

BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AMENDING THE ATLANTA CODE OF ORDINANCES SO AS TO CREATE A NEW CHAPTER 42, ENTITLED THE OUTDOOR EVENTS ORDINANCE, THAT ADDRESSES ALL OUTDOOR EVENTS THAT OCCUR WITHIN THE CITY OF ATLANTA; AND AMENDING CERTAIN SECTIONS OF THE ATLANTA CODE OF ORDINANCES TO MAKE THEM CONSISTENT WITH THE NEW OUTDOOR EVENTS ORDINANCE; AND AMENDING CERTAIN SECTIONS OF THE ATLANTA CODE OF ORDINANCES TO ESTABLISH OR MODIFY RULES THAT APPLY TO SOME OR ALL OUTDOOR EVENTS; AND REPEALING THE PARADE ORDINANCE OF THE CITY, CODE SECTIONS 138-231 THROUGH 138-255; AND REPEALING THE OUTDOOR FESTIVALS ORDINANCE OF 2003, CODE SECTIONS 138-186 THROUGH 138-209; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta finds that an ever-increasing number of demands are being made upon City resources and infrastructure by applications to hold festivals and other outdoor events in the streets and parks of the City and on some private property; and

WHEREAS, in order to better conserve and allocate the City's resources, both in terms of personnel and infrastructure, the City finds that it is necessary to be advised of and regulate the use of the City's parks and streets and certain private property located within the City by those desiring to hold outdoor events; and

WHEREAS, the intent of the City in adopting the Outdoor Events Ordinance is to insure that the City will have adequate advance notice of all outdoor events occurring within the City, and the cooperation of the organizers, in order to properly plan the City services required for each event, such as security, sanitation and traffic control; and

WHEREAS, the intent of the City in passing the Outdoor Events Ordinance is also to insure that the City's parks are protected from extreme wear and tear, by limiting the number and type of events held in parks; and

WHEREAS, it is also the intent of the City, and the purpose of this Outdoor Events Ordinance, that insofar as possible, the costs of the City in providing services for certain outdoor events, including administrative costs, be recouped, although it is not the intention that the cost of any fees be used for revenue production; and

WHEREAS, it is important that other sections of the Atlanta Code of Ordinances that address aspects of outdoor events be made consistent with the Outdoor Events Ordinance; and

WHEREAS, it is important that other sections of the Atlanta Code of Ordinances that address rules that apply during Outdoor Events be made current and consistent with the Outdoor Events Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section One. Atlanta Code of Ordinances, sections 138-231 through 138-255, also known as the Parade Ordinance of the City, is hereby deleted in its entirety.

Section Two. Atlanta Code of Ordinances, sections 138-186 through 138-209, also known as the Atlanta Outdoor Festivals Ordinance of 2003, is hereby deleted in its entirety.

Section Three. The Atlanta Code of Ordinances, section 110-59(a) is hereby amended by adding a new subsection (17) that shall read as follows:

(17) Hang any sign, banner, or any other item from a tree located in the park.

Section Four. The Atlanta Code of Ordinances, section 110-70(d), is hereby deleted in its entirety and replaced with the following:

“(d) Pets are prohibited in parks during permitted Class A, Class B, and Class C Outdoor Festivals, as defined in section 142- 59(a) of this Code of Ordinances. Pets are permitted in parks during Class D and Class E Outdoor Festivals, as defined in section 142- 59(a) of this Code of Ordinances. Any prohibition of pets pursuant to this section, or any similar prohibition of pets during any Outdoor Festival or Outdoor Event, shall not apply to those animals where the animal’s owner can demonstrate that the animal is part of a performance, exhibit, or other activity conducted as part of the Outdoor Festival or other Outdoor Event. Nor shall said prohibition apply to those animals that are confined to a specific area of the park, where such park area is designated by the City as serving the purpose for which the animal is using it.”

Section Five. The Atlanta Code of Ordinances, section 110-75, entitled “Large Gatherings”, is hereby deleted in its entirety and replaced with the following:

“Section 110-75. Outdoor Events occurring in parks.

All rules regarding reservation of facilities located in City Parks, and all types of Outdoor Events occurring in City parks, are located in Chapter 142 of this Code of Ordinances.”

Section Six. The Atlanta Code of Ordinances, section 110-76, shall be amended by deleting subsection (a) in its entirety and replacing it with the following:

- “(a) It shall be unlawful for any person using a park during an Outdoor Festival or Assembly, as defined in Chapter 142 of this Code of Ordinances, to do, or permit a minor child in his/ her custody to do, any of the following acts:”

In addition, section 110-76 shall be amended by deleting subsection (a)(1) in its entirety and replacing it with a new subsection (a)(1) as follows:

- “(1) Ride, drive or operate bicycles, motorcycles, mopeds or any other motor vehicles, or ride skateboards or skates onto or in the Festival Production Area, as defined in Chapter 142 of this Code of Ordinances, or onto or in prohibited areas in the park. The prohibited areas, some of which may be inside of the Festival Production Area, include the children’s area, vending locations, craft demonstration area, performing arts venues, health and fitness expos, hot air balloon staging areas, roads, walks, courts, pools, and athletic fields. These items may be carried into or through the Festival Production Area and prohibited areas if they are not ridden. This provision shall not apply to emergency medical personnel, nor to officials or employees of the City of Atlanta acting in their official capacity, nor to vendors restocking their merchandise, nor to vendors providing sanitation services for the Outdoor Festival. In addition, this provision shall not apply to any person working at the direction of the Outdoor Festival Host, or her/his designee. Nothing in this provision shall waive the prohibitions set forth in Section 110-87 of this Chapter, though the Commissioner of the Department of Parks, Recreation, and Cultural Affairs shall have the sole discretion to allow the Outdoor Festival Host to install temporary roadways in the park to be utilized for Outdoor Festival set-up and take-down only, provided that the Commissioner’s permission is in writing and states the exact location where the temporary roadway may be created.”

In addition, section 110-76 (a)(2) shall be amended by deleting the second sentence in its entirety and replacing it with the following: “This subsection shall not apply to persons performing in the Outdoor Festival or Assembly.”

In addition, section 110-76 shall be amended by deleting subsection (a)(4) in its entirety and replacing it with a new subsection (a)(4) as follows:

- “(4) Engage in outdoor cooking except in a City grill, or in an area designated in writing and defined by on-site signage by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her/his designee. This provision shall not apply to authorized Outdoor Festival vendors.”

In addition, section 110-76 shall be amended by adding a new section (a)(5) that shall read as follows:

- “(5) Alcohol consumption in a park is prohibited except during permitted Outdoor Festivals. Alcohol consumption is allowed in a park during a permitted Outdoor Festival, except that an Outdoor Festival Host shall have the right to prohibit alcohol consumption at the Outdoor Festival. An Outdoor Festival Host shall also have the right to require that alcohol consumed at the Outdoor Festival be purchased or obtained from an official Outdoor Festival vendor. Such limitations shall be noted on the Outdoor Festival Permit Application.”

In addition, section 110-76 shall be amended by deleting subsection (b) in its entirety and replacing it with the following:

- “(b) City rules regarding whether pets shall be allowed in a park during an Outdoor Festival, as defined in Chapter 142 of this Code of Ordinances, are set forth in Code section 110-70(d) and (e).”

Lastly, section 110-76 shall be amended by deleting “, and special events” from the section’s title. The amended title shall read:

“Prohibited conduct in parks during outdoor events, assemblies.”

Section Seven. Chapter 130-44 shall be amended by replacing, throughout the entire Chapter, the term “special event” with the term “Outdoor Event”.

Section Eight. Atlanta Code of Ordinances section 138-60(a)(1) shall be amended by replacing the word “festivals” with the words “Outdoor Events”.

Section Nine. Atlanta Code of Ordinances section 14-3 shall be deleted in its entirety and replaced with “Reserved”.

Section Ten. Atlanta Code of Ordinances section 14-7 shall be deleted in its entirety and replaced with “Reserved”.

Section Eleven. Atlanta Code of Ordinances section 14-12 shall be deleted in its entirety and replaced with “Reserved”.

Section Twelve. Atlanta Code of Ordinances section 16-25.004 shall be deleted in its entirety and replaced with “Reserved”.

Section Thirteen. Atlanta Code of Ordinances section 10-8 shall be amended by modifying the sentence that currently reads: “Further, it shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while in any city park except during permitted festivals or at other licensed locations within such parks.”, so that it reads as follows:

“Further, it shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while in any city park except during permitted outdoor festivals pursuant to the provisions of Atlanta Code of Ordinances section 110-76 (a)(5), or at other licensed locations within such parks.”

Section Fourteen. This Ordinance shall become effective as of January 2, 2007.

Section Fifteen. The Atlanta Code of Ordinances shall be amended so as to create and enact a new chapter, Chapter 142, that shall be entitled “Outdoor Events”, and shall be effective upon the repeal of the Ordinances cited in Sections One, Two and Eleven above. The contents of said Chapter 142 are as follows:

CHAPTER 142

OUTDOOR EVENTS

Article I. In General

Section 142-1. Title.

This chapter shall be known as the Outdoor Events Ordinance.

Section 142-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Applicant means the individual requesting a Permit for an Outdoor Event, and the organization, corporation, or other group on whose behalf the individual is requesting the Permit.

- (b) Application means a written request on a form or forms supplied by the Special Events Manager that sets forth the information required to be provided by this chapter.
- (c) Application Fee means the non-refundable fee paid in connection with an Application made pursuant to this chapter.
- (d) Banner means a long strip of cloth, paper, or other potentially flammable material hung from or attached to an object, used for decoration, advertising, or to provide information.
- (e) Chief of Staff, unless otherwise designated by the Mayor, refers to the chief of staff of the Office of the Mayor.
- (f) City means the City of Atlanta.
- (g) City Representative means any City official or employee providing input to the Office of Special Events regarding whether a particular Applicant shall be granted an Outdoor Event Permit.
- (h) City-Sponsored Event means an Outdoor Event that meets one of the two following criteria:
 - (1) an Outdoor Event that is executed entirely by the City and/or its contractors and/or consultants, and that is fully financed by the City and/or by sponsors obtained by the City; or
 - (2) an Outdoor Event:
 - (a) that is executed entirely by an entity that assumes complete or partial responsibility for maintaining and/or improving a City park or facility for one year or greater at no cost to the City, pursuant to a written agreement with the City, or an Outdoor Event that is executed by said entity's contractors and/or consultants; and
 - (b) where all of the net proceeds from the Outdoor Event are utilized by the entity to perform maintenance and/or improvement of a City park or facility.

An Outdoor Event Application must indicate whether the Applicant deems the event to be City-Sponsored, and if so, must provide a written explanation of how the Outdoor Event meets one of the two criteria set forth in this subsection (h). The Chief of Staff shall review the written explanation and shall be the final decision maker as to whether the Outdoor Event is approved as being City-Sponsored. Where the Chief of Staff determines that the Outdoor Event meets one of the criteria set forth

in this subsection (h), s/he must approve the Outdoor Event as City-sponsored. Where the Chief of Staff determines that the Outdoor Event does not meet either of the criteria set forth in this subsection (h), s/he must deny the Outdoor Event's request of being deemed City-sponsored."

- (i) Emergency Services and Fire Safety Plan means a plan submitted by the Applicant setting forth its plans for providing emergency services, including fire suppression, fire safety, and emergency medical services, to Public Property and Private Property, and to performers, entertainers, exhibitors, speakers, attendees, or other persons at the Outdoor Event.
- (j) Fee or Fees, where the term is not specified as being a particular type of fee, means the amount of money required to be paid by an Applicant pursuant to this Chapter for the issuance of a Permit. Examples of such fees include, without limitation, the Application Fee, Permit Fee, and Sub-Permit Fee.
- (k) Gated Park Event means an outdoor gathering that is located in a City park and that is gated, thereby closing a portion of the park to the public and excluding members of the public, and for which a ticket and/or admission fee is required to attend the gathering.
- (l) Host is the person, either on behalf of her/himself, or on behalf of an organization, corporation, or other group, who will be in charge of the Outdoor Event and will be responsible for the conduct that occurs during the Outdoor Event.
- (m) Outdoor Event means any gathering of people that occurs completely or partially outdoors, that occurs on Public Property and/or Private Property, that is not a Gated Park Event, as defined above, and that either:
 - (1) Lasts for ninety or fewer consecutive days; or
 - (2) Lasts for thirteen or fewer consecutive weeks, where the outdoor gathering occurs on no fewer than three days out of each consecutive week; or
 - (3) Is a Series.
- (n) Permit means the written authorization from the City allowing an Applicant to hold the Outdoor Event or perform the function for which s/he filed an Application.
- (o) Permit Fee means the amount of money required to be paid pursuant to this chapter for the issuance of a permit to hold an Outdoor Event, where such fee shall be assessed so that the City can recover the direct and

indirect costs associated with the Outdoor Event, but the Permit Fee shall not exceed the administrative costs of regulation.

- (p) Private Property means all property that is located within the boundaries of the City, except for property that is owned by the City or by a governmental entity that is not required to adhere to the City's laws.
- (q) Public Property means property that is owned by the City.
- (r) Restoration means the work required after an Outdoor Event to bring City property to the condition it was in immediately prior to the Outdoor Event. Restoration includes but is not limited to trash collection and general clean-up services where such services exceed one hour, repairing damaged property, and/or replacing damaged items or property if the Chief of Staff finds that such replacement is necessary. Restoration includes work performed only if the work arises from the Outdoor Event, though it shall not include work necessitated by the presence or actions of counter-demonstrators.
- (s) SEM shall mean the Special Events Manager of the Office of the Mayor.
- (t) Series means a sequence of gatherings occurring on fewer than three days per week of consecutive weeks for no longer than two months, where each gathering occurs completely or partially outdoors on Public Property or Private Property, involves identical activities at an identical location, and where each gathering, if considered alone, would meet the definition of a Class D or E Outdoor Festival, as defined in section 142-51 and 142-59 of this Chapter.
- (u) Solid Waste Fee means the amount of money to be paid by an Applicant to reimburse the City for solid waste services provided for an Outdoor Event.
- (v) Sub-Permit means any Permit or written approval that authorizes some component of an Outdoor Event, such as, but not limited to, an Electrical Permit or an Alcohol Permit. The full list of Sub-Permits is set forth in Article IV of this Chapter.
- (w) Supplemental Services means those services that are provided by the City because a Host fails to provide the services set forth in her/his Permit Application or Sub-Permit Application(s), including without limitation adequate ambulance coverage. In addition, Supplemental Services means those services that are provided by the City because a permitted Outdoor Festival is larger than anticipated, such that the Class of Outdoor Festival permitted is smaller than the Class of Outdoor Festival that actually occurred. Supplemental Services include services that are provided by the Atlanta Fire Rescue Department and/or the Atlanta Police Department

because the activities of the Outdoor Event, including without limitation the activities of an Outdoor Event vendor(s), violate City, State, or Federal law, including without limitation the City's Fire Code. Supplemental Services also include those services that are provided by the City because a Host fails to meet the requirements of the Outdoor Event Permit or related Sub-Permits, including without limitation time of ending the Outdoor Event, time of loading out all Outdoor Event equipment, and timely removal of portable restrooms.

- (x) Supplemental Services Fee means the total cost that a Host or Applicant must pay to reimburse the City in full for the City's expenditures for supply of Supplemental Services, as defined above.

Section 142-3. Scope.

- (a) The Outdoor Events Ordinance is intended to be the framework within which all Outdoor Events held in the City are approved and regulated. The Outdoor Events Ordinance applies to all outdoor gatherings located within the City, regardless of whether the gathering is held on Public Property or Private Property, except that the requirements of the Ordinance do not apply to those outdoor gatherings discussed in subsections (d), (e), (f), (g), and (h) below. The Outdoor Events Ordinance does not apply to events that are being held exclusively indoors.
- (b) It shall be unlawful for any person or organization to hold an Outdoor Event without complying with the procedures set forth in this chapter, except that where an Event is City-Sponsored, as determined by the Chief of Staff, the requirements of this Chapter regarding payment of Fees, timing of Application submission, insurance and indemnification shall not apply.
- (c) Additional Outdoor Event operating guidelines, policies and procedures may be developed and adopted administratively and enforced by the City.
- (d) Outdoor gatherings with a duration of greater than ninety consecutive days, or outdoor gatherings with a duration of greater than thirteen consecutive weeks, where the gathering occurs on at least three days of each consecutive week, shall not be deemed an Outdoor Event. Such outdoor gatherings, if located on Public Property or Private Property, require a Special Use Permit, which is obtained from the City's Bureau of Planning. Where said gathering requiring a Special Use Permit occurs in a City park, the Bureau of Planning shall work collaboratively with the Bureau of Parks to determine whether a Special Use Permit should be issued.

- (e) A Gated Park Event shall not be deemed an Outdoor Event for purposes of this chapter. Gated Park Events shall be regulated by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, in consultation with the Police Chief and the Fire Chief. The Commissioner of the Department of Parks, Recreation, and Cultural Affairs shall approve only those Gated Park Events that certify that they will not deny admission to the Gated Park Event on the grounds of race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation or gender identity. In addition, the Host of a Gated Park Event will need to submit plans to the Atlanta Fire Rescue Department to receive a maximum occupancy, will need to have an Internal Security Plan (as defined in City Code section 142-51) approved by the Police Department, and will need to obtain any applicable Sub-Permits set forth in Article IV of this Chapter.
- (f) The requirements of this Chapter shall not apply to the use of a sports facility located on City property, including without limitation a ball field, tennis court, pool, or golf course, for the purpose for which the facility was intended, as reasonably determined by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs. Rules regarding the use of such sports facilities, including making reservations for the facilities, shall be established in writing by the Commissioner for the Department of Parks, Recreation, and Cultural Affairs, and said rules shall be placed in the department's Policies and Procedures manual, provided to the SEM, and provided to the public upon request.
- (g) The requirements of this Chapter shall not apply to events being held exclusively on a college or university campus. City right-of-way, regardless of its location, shall not be deemed to be part of a college or university campus.
- (h) The requirements of this Chapter shall not apply to any event being held exclusively on any of the following City-owned properties, because the properties are the subject of a lease or management/operating agreement with a private party, and the lease or agreement contemplates the private party's ability to hold Outdoor Events on the property: The Chastain Amphitheater; the Chastain Horse Park; the Atlanta Botanical Garden; the Atlanta Zoo; the Piedmont Park Multi-purpose complex; any other City-owned property that is the subject of a lease or management/operating agreement, whereby the lease or agreement explicitly exempts outdoor events on the property from the requirements of the City's Outdoor Events Ordinance.
- (i) Nothing in this Chapter shall be construed as repealing other sections of the Atlanta Code of Ordinances requiring the application for and issuance of permits or licenses. Those permits or licenses must be

applied for separately in accordance with the Atlanta Code of Ordinances and other applicable laws.

Section 142-4. Purpose and Intent.

The City of Atlanta finds that an ever-increasing number of demands are being made upon city resources and infrastructure by applications to hold Outdoor Festivals and other Outdoor Events in the City streets, sidewalks, and parks. In addition, large outdoor gatherings on Private Property require the deployment of city resources. In order to conserve and allocate the City's resources, both in terms of personnel and of the natural areas and infrastructure, and to adequately protect public safety and the safety, health and welfare of Outdoor Event participants, neighboring property owners, residents and businesses, the City finds that it is necessary to regulate the use of the City's parks and streets by those desiring to hold Outdoor Events on Public Property, and to regulate large Outdoor Events on Private Property.

The intent of the City in adopting this Outdoor Events Ordinance is to insure that the City will have adequate advance notice of Outdoor Events. The City also wishes to work cooperatively with the Applicant in order to properly plan for and allocate the City services that will be needed, such as security, solid waste and traffic control. The intent is also to insure that the City's parks are protected from extreme wear and tear, by limiting the number and type of events held in parks. To this end the City has authorized the creation of festival districts, so that the burden of providing a venue for Outdoor Festivals does not fall disproportionately upon certain districts to their detriment.

It is also the intent of the City, and the purpose of this chapter, that, insofar as is possible, the costs to the City in providing services to Outdoor Festivals are recouped, although it is not the intention that the cost of Outdoor Festival permit fees be used for revenue production. The City desires to promote and encourage events for the greater good and cultural diversity of the City, and to abate the cost thereof, where the amount of the abatement shall be determined regardless of content, message or Host, in accordance with the terms of this ordinance. The costs to be recouped for Outdoor Festivals include, but are not limited to: personnel, equipment and supplies, wastewater, utilities, park and public right-of-way maintenance (including long-term degradation), and park monitoring. The City also intends to recoup a small percentage of the City's administrative costs for other Outdoor Events.

Lastly, the intent of this ordinance is to simplify the process that the public uses to obtain Outdoor Event Permits. The Outdoor Events Ordinance requires all Applicants to provide all Application information to the SEM only, regardless of the type of Outdoor Event being held. If approval is required from other City Departments prior to granting the Permit, it shall be the responsibility of the SEM to obtain that approval or disapproval.

Section 142-5. Responsible City Department.

The SEM shall be responsible for overseeing the issuance of all Outdoor Event Permits. For a Park Facility Reservation Permit (section 142-102) or a Large Gathering that occurs in a park (section 142-104(b)), an Applicant shall provide all information and items necessary to receive an Outdoor Event Permit to either the SEM or the Department of Park, Recreation, and Cultural Affairs. For all other Outdoor Events, the Applicant shall provide all information and items necessary to receive an Outdoor Event Permit to the SEM, with the exception of information required to obtain an alcohol license, as set forth in section 142-32(c) below. The specific types of Outdoor Events, and the information required for the permitting of each, is set forth in the remaining articles of this chapter. The SEM shall also be responsible for carrying out the other functions of this chapter, including but not limited to processing the Application and maintaining any records or forms needed for such processing.

Section 142-6. Penalties for Violations of this Chapter.

Any person or organization violating the requirements of this Chapter 142 shall be subject to the following penalties:

- (a) Any person who shall conduct, host, or sponsor an Outdoor Event for which a proper Permit has not been obtained, shall be responsible for paying all costs that would have been owed had the Outdoor Event been permitted or properly permitted. The Chief of Staff shall determine what type of Outdoor Event occurred based upon observations of a member of the Atlanta Police Department who observed the Outdoor Event. The Chief of Staff shall issue a bill for the total amount owed, and the bill shall be paid in full within thirty days of receipt of the bill. The bill shall include:
 - (1) An amount equivalent to what the person would have been assessed for the issuance of an Outdoor Event Permit as set forth below in this Chapter. The assessment shall be equivalent to the sum of: (a) the Application Fee; (b) the appropriate Permit Fee based upon the type of Outdoor Event, and based upon the number of persons attending the Outdoor Event, but only if such factor is normally a factor in determining the Permit Fee for the type of Outdoor Event that occurred; and (c) the Sub-Permit Fee(s) if applicable. For purposes of determining the amount of attendees at the Outdoor Event, such determination shall be made by the Chief of Staff, based upon observations of a member of the Atlanta Police Department who observed the Outdoor Event; and
 - (2) The cost of solid waste services, maintenance services, services required to remove human waste and refuse, Supplemental Services, and other Restoration services.

- (3) An amount equivalent to the cost of providing the number and quality of off-duty law enforcement officers and private security guards that would have been required for the Outdoor Event, if any. If the Outdoor Event is an Outdoor Festival, the number and quality of required off-duty law enforcement officers and private security guards shall be determined as set forth in Section 142-55 below. The cost of hiring these officers and guards shall be determined by the Atlanta Police Chief. In doing so, the Atlanta Police Chief or her/his designee shall contact a company licensed by the State of Georgia Board of Private Detective and Security Agencies, that employs such security officers, and gather the cost of contracting for such officers from the company at the time of the Outdoor event.
- (4) An amount equivalent to the cost of providing the number of Fire Marshals that would have been required for the Outdoor Event, if any, as determined by the Chief of the Atlanta Fire Rescue Department. In addition, the bill shall include the cost of any violations of the Atlanta Fire Code arising from the Outdoor Event, as determined by the Chief of the Atlanta Fire Rescue Department, or her/his designee.
- (b) Any person who shall conduct, sponsor, host, or promote an Outdoor Event for which a Permit has not been obtained as required by this Article, shall have committed and may be charged with a misdemeanor. Upon conviction such person shall be subject to the penalties set forth in Section 1-8(c) of this Code of Ordinances.
- (c) Any Host who fails to abide by the terms of the Permit, or any related Sub-Permit, and who fails to correct her/his deviation from said terms upon oral or written notice by the City, shall have committed and may be charged with a misdemeanor. Upon conviction such person shall be subject to the penalties set forth in Section 1-8(c) of this Code of Ordinances.
- (d) Any person who shall fail to timely pay the bill described in subsection (a) of this Section shall have committed and may be charged with a misdemeanor that shall be continuous with respect to time for each day that the bill is not paid. Each day that the violation continues shall be deemed a separate offense, and upon conviction, the person shall be subjected to the penalties of section 1-8(c) of this Code of Ordinances for each offense.”
- (e) The provisions of this Section 142-6 shall apply to any person who obtains a Large Gathering or Private Large Gathering Permit, as defined below in

sections 142-103 and 142-115 respectively, or any other type of Outdoor Event Permit, other than an “Outdoor Festival” Permit, (as defined below in section 142-51(h)), where the Outdoor Event actually has more than 250 attendees on Public Property, or more than 500 attendees on Private Property, and meets the requirements set forth in sections 1, 2, 4, 5 and 6 of the definition of Outdoor Festival; except that the failure to obtain an Outdoor Festival Permit shall be deemed a misdemeanor only if the person obtaining the Outdoor Event Permit should have reasonably expected that the number of attendees would exceed 250 people on Public Property or 500 people on Private Property. For events that are publicized to the general public by fliers and/or radio advertisements and/or other types of advertisements, the person obtaining the Outdoor Event Permit will automatically be deemed as having a reasonable expectation that the number of attendees would exceed 250 people on Public Property or 500 people on Private Property.

Section 142-7. Timeframes and Deadlines.

Where a timeframe or deadline established in this chapter results in an item being due on a weekend day or holiday, the item shall be due on the business day immediately following said weekend day or holiday.

The timeframes and deadlines established in this chapter that pertain to the City only, and not to the public, are administrative timeframes and deadlines only. In the event that one of these inner-City timeframes or deadlines is violated, such violation shall not impact the rights or remedies of a citizen or other person outside of City government.

Sections 142-8 through 142-10. Reserved.

Article II. Approval and Denial of Outdoor Event Applications

Section 142-11. Submission of Application by Applicant/ Authority and Responsibilities of the SEM once Application Received.

- (a) Except as otherwise provided in this chapter, the Chief of Staff shall be charged with the responsibility and authority to determine whether a particular Applicant shall be granted an Outdoor Event Permit in the time, manner and place proposed; whether the proposed time, manner, and place of the Outdoor Event must be modified, according to criteria established by this chapter; or, whether such Permit shall be denied altogether. Where this chapter requires other City Representatives to approve the Application before the Permit is granted, the SEM shall be responsible for obtaining that approval or disapproval.

- (b) An Applicant shall timely provide all information required for obtaining a Permit to the SEM, except that:
- (1) Where an Outdoor Event requires an alcohol Permit, and the alcohol server does not already possess an alcohol license, the alcohol server will need to obtain an alcohol license from the Atlanta Police Department; and
 - (2) Applications for a Parks Facility Reservation, as defined in Section 142-102 below, and/or a Large Gathering, as defined in section 142-103 below, to be held exclusively in a City park, can be submitted either to the SEM or to the Bureau of Parks. In those instances where such Applications are submitted to the SEM, the SEM shall forward the entire Application to the Bureau of Parks for handling, processing, and issuance of a Permit where appropriate, except that Sub-Permit Applications shall be retained and processed by the SEM, with a copy of the Sub-Permit Applications sent to the Bureau of Parks for informational purposes only. Where Parks Facility Reservations and/or park Large Gathering Permits are issued on a first come, first served basis, the time that an Application is received shall be based upon the time that the Application is received in the Bureau of Parks only. When such Applications are submitted to the SEM, the SEM must forward the Application to the Bureau of Parks within one business day of receiving the Application. After the Application has been fully processed by the Bureau of Parks, the entire Application package shall be sent to the SEM for informational and calendaring purposes, and the SEM shall maintain the Outdoor Events file.
- (c) Where an Outdoor Event requires one or more Sub-Permits prior to the issuance of the Outdoor Event Permit, other than the alcohol license as described in subsection (b)(1) of this section, the Applicant shall provide all Sub-Permit information to the SEM, or to the Bureau of Parks in circumstances described in sections 142-102 and 142-103(b)(2). If the Applicant provides all of the Sub-Permit information to the SEM, or to the Bureau of Parks where appropriate, within the time frames set forth in this chapter, the SEM shall be responsible for forwarding the Sub-Permit information to the City Department(s) responsible for issuing the Sub-Permit, and said City Department(s) shall forward the Sub-Permit, or notice of denial of the Sub-Permit, to the SEM. The SEM shall provide all of the relevant information and her/his recommendation to the Chief of Staff. If the Applicant fails to meet the time frames set forth in this chapter, the Chief of Staff shall deny the Sub-Permit.

- (d) Where an outdoor gathering occurs during only one or two days of a week for consecutive weeks, unless it is a Series, each non-consecutive day shall be deemed a separate Outdoor Event, but the Applicant shall be required to file only one Application and pay only one Application Fee for the entire sequence of Outdoor Events. The sequence shall be deemed over when there is a break in consecutive weeks, or when the sequence has lasted for thirteen weeks, whichever is earlier. The Applicant must pay an Outdoor Event Permit Fee and applicable Sub-Permit Fees for each separate Outdoor Event. A Series shall be treated as one Outdoor Event, and the Applicant shall be required to file one Application and pay one Application Fee, one Permit Fee, and one Sub-Permit Fee for each applicable Sub-Permit.
- (e) After reviewing the comments and/or decisions from all of the City officials, employees, departments and/or bureaus from whom this chapter requires such feedback, the Chief of Staff shall approve the Permit, deny the Permit, or approve the Permit with modifications or upon conditions, as set forth in this chapter. If the Application is approved, the Chief of Staff, in consultation with the heads of affected departments, or their designees, shall impose restrictions or conditions as to time, manner and place, if the Chief of Staff deems such restrictions as necessary. These modifications shall be made when the Chief of Staff and the affected departments, based upon review of the Application, find compelling reasons related only to public safety, health, or the environment, or to scheduling conflicts with other permitted uses at the time or place requested. The modifications shall not be based on any of the factors set forth in subsection 142-12 (b) below. The Chief of Staff may deny a Permit based only upon the grounds set forth in this chapter, and in particular, section 142-12 below. In no event shall Permit denial be based on any of the factors set forth in subsection 142-12 (b) below.
- (f) For any Outdoor Event whose Application is due at least thirty days prior to the Outdoor Event, with the exception of Outdoor Festivals, the Chief of Staff shall notify an Applicant in writing of her/his determination regarding the Application within fifteen business days after receipt of the Application, but in no event later than five business days before the date of the Outdoor Event. For any Outdoor Event whose Application is due less than thirty days prior to the Outdoor Event, the Chief of Staff shall notify an Applicant in writing of her/his determination regarding the Application no later than five business days before the date of the Outdoor Event or three business days after receiving the Application whichever is later. For Outdoor Festival Applications, the Chief of Staff shall notify the Applicant in writing of her/his determination within ninety days after the receipt of the Application, but in no event later than forty-five days before the date of the Outdoor Festival. A notification shall inform the Applicant of whether the Applicant has been granted a Permit to conduct an Outdoor

Event without modifications to the Outdoor Event proposed on the Application; granted a Permit to conduct an Outdoor Event with modifications as to time, manner, or place, or with other restrictions or conditions; or has been denied a Permit to conduct an Outdoor Event. Where the Permit has been granted with modifications, the notification shall state clearly the terms of the conditions, restrictions and/or modifications.

(1) Procedure When Outdoor Event Permit Is Approved:

- (A) After the Chief of Staff approves the issuance of a Permit, the Applicant may obtain such Permit by agreeing to accept any classification and/or conditions imposed in accordance with this chapter, including but not limited to payment of the applicable Permit Fee and any other fees required pursuant to this chapter.
- (B) The Applicant must have the Permit, and all Sub-Permits, if any, present at the Outdoor Event during the entire duration of the Outdoor Event, including but not limited to set-up and clean up. Failure to abide by this provision may result in the City's, including but not limited to any Atlanta police department officer's, revoking the Permit and/or any Sub-Permit.

(2) Procedure When Outdoor Event Permit Request is Modified or Permit is Denied:

When the Chief of Staff denies a Permit, s/he shall set forth in writing the reasons for such denial in as much detail as possible. When the Chief of Staff modifies a Permit Application, s/he shall, if requested by the Applicant, state in writing on the Permit the reasons for the modification in reasonable detail. A modification, denial or revocation based upon inadequate police resources, as described in subsections 142-12(a), (b)(3) and (i) below, shall state with specificity the reasons for the Chief of Staff's opinion, giving as much detail as is possible. In denying the Permit, or in granting the Permit with modifications, the Chief of Staff shall abide by the provisions of Section 142-12(b) below. Where a Permit for an Outdoor Festival is denied or modified, the Chief of Staff or her/his designee shall forward a copy of the written determination to the councilmember(s) of the affected district.

(g) Appeals

- (1) Any aggrieved Applicant shall have the right to a hearing before the Mayor or her/his designee, provided that the request for such hearing is made to the Mayor within five business days after the Applicant's receipt of the Chief of Staff's determination. The designee may be a hearing officer appointed for that purpose. The person conducting the hearing must be impartial, and must have had no involvement in the Chief of Staff's determination.
 - (A) Where the Chief of Staff's determination notice is given only by mail, the Mayor shall presume that the notice was received three business days after the mailing. Determination notices given in person, hand-delivered to the Applicant's address, or sent by facsimile transmission or e-mail shall be presumed to have been delivered on the date given or sent.
 - (B) Should the Mayor or her/his designee believe that the Chief of Staff's modification or denial of the Permit was based on public safety reasons, s/he shall refer the appeal to the Chief of Police or the Fire Chief, as appropriate. In such situation, the aggrieved Applicant shall have a right to a hearing before the Chief of Police or her/his designee, or the Fire Chief or her/his designee, as the Mayor or her/his designee deems appropriate. The person conducting the hearing must be impartial, and must have had no involvement in the Chief of Staff's determination.
- (2) Appeal hearings shall be held within seven business days after the Mayor's receipt of the request for a hearing. The hearing may be continued at the request of the Applicant or to allow the attendance of any necessary party or witness, but only from day to day.
- (3) The appeal hearing shall be de novo. The person conducting the hearing shall evaluate the Application and the Chief of Staff's decision in accordance with the criteria of this chapter.
- (4) Appeal hearings shall be informal.
- (5) The person conducting the appeal hearing may issue her/his decision verbally at the conclusion of the hearing, and shall issue a written decision within five business days thereafter.

The decision shall affirm or modify the Chief of Staff's determination. In addition, if the Applicant is appealing the denial of a Permit, the hearing officer shall have the right to reverse the Chief of Staff's determination and either grant the Permit, or grant the Permit with conditions.

- (6) The written decision of the person conducting the hearing shall be the final decision of the City in the matter, and shall be subject to review by the Superior Court of Fulton County by a petition setting forth an appeal and naming the City of Atlanta as the defending party. The City shall expedite its response to such petition so as to allow the provision of a judicial determination of the matter no later than ten days prior to the date of the Outdoor Event, if possible.

Section 142-12. General Considerations Regarding Approval, Denial, or Revocation of an Outdoor Event Permit.

In determining whether to approve a Permit, including but not limited to the time, manner and place requested, whether to approve the Permit with modifications as to time, manner and place, or whether to deny the Permit altogether, the Chief of Staff and any other City Representative evaluating the Application, shall be guided by the following criteria:

- (a) Except as set forth in section 142-102: (1) when there are competing Outdoor Event Applications that are substantially for the same time and place, where both cannot logistically occur together, or (2) when there are competing Outdoor Event Applications that are substantially for the same time and place, each of which requires police coverage over and above the police coverage that would normally be provided in that location, and the Chief of Staff, in consultation with the Police Chief, or her/his designee, determines that there is not a sufficient quantity of Atlanta Police Department personnel to provide adequate coverage for each of the Outdoor Events, then the earlier or earliest of those Applications that is received by the SME in a substantially completed form, accompanied by the requisite Application Fee, if any, shall be given priority as to the time and place requested, provided that priority as to the same time and place may be given to any Outdoor Event that has been permitted at such time and place for three or more occasions in the four years immediately preceding the current Application.
- (b) **Non-Discrimination.**
This provision shall apply to all aspects of permitting. Though certain sections of this chapter refer to this provision specifically, those references are for emphasis only, and do not imply that this provision does not apply to all other sections of the chapter.

- (1) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place on account of the race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation or gender identity of the applicant and/or the participants of the Outdoor Event.
 - (2) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place based upon the message of the Outdoor Event, the content of speech of the Outdoor Event, nor based on the identity or associational relationships of the Applicant and/or participants.
 - (3) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place on account of any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Outdoor Event, provided that reasonable accommodation as to time, manner and place may be required in order for the City to provide the resources necessary for police protection.
- (c) The Chief of Staff may deny or revoke a Permit if an Applicant has an outstanding debt with the City, or if the Outdoor Event is done on behalf of or in the name of a person, organization, corporation or other group that has an outstanding debt with the City, until such time as payment is received in full.
- (d) The Chief of Staff may deny or revoke a Permit if an Applicant has failed to complete payment of any sums required for a previously permitted Outdoor Event, until such time as payment is received. Said sums shall include, without limitation, the cost of Supplemental Services, and the cost of Restoration services, including those Restoration services described in subsections (e) and (f) below, arising from the past Outdoor Event. In the alternative, the Chief of Staff may condition the granting of a new Permit on the payment of amounts in arrears in connection with the previous Outdoor Event. The Chief of Staff may not require the payment of arrears for previous Outdoor Events unless the Chief of Staff or her/his designee had mailed or delivered to the Applicant a demand for such payment within sixty days after the ending date of such previous Outdoor Event.
- (e) The Chief of Staff may deny a Permit to an Applicant who has failed to substantially perform a cleanup plan which was made a condition of a previous Permit, or who has defaulted on a previous sanitation bond in connection with a permitted Outdoor Event until such time as

restitution is made in a manner and amount satisfactory to the Chief of Staff, or until a reasonable plan for correcting the past deficiency is agreed upon by the Applicant and the Chief of Staff. This provision notwithstanding, the Chief of Staff shall not require the payment of arrears or Restoration costs from previous Outdoor Events unless the Chief of Staff or her/his designee mailed or delivered to the Host a demand for such payment or restitution within sixty days after the ending date of such previous Outdoor Event.

- (f) The Chief of Staff may deny a Permit to an Applicant who caused significant damage to City streets, sidewalks, parks, and/or other City real or personal property and, at the time of submitting an Application for a new Outdoor Event, failed to adequately repair the damage or failed to pay a bill for Restoration services in full, provided that the Chief of Staff or her/his designee mailed or delivered to the Host a demand for such repair or Restoration compensation within sixty days after the ending date of such previous Outdoor Event.
- (g) The Chief of Staff may deny or revoke a Permit if the Applicant has, in this City or in any other locality, violated a material condition and/or restriction of an outdoor event permit, or if the Applicant's conduct regarding the outdoor event was in violation of law or local ordinance.
- (h) The Chief of Staff may modify, deny or revoke a Permit when, due to the scope of the Outdoor Event, and the number of police personnel required to provide protection and traffic control for the Outdoor Event, and due to the need for police personnel elsewhere in the City, the Outdoor Event would require the diversion of such a number of police personnel that it will be more likely than not that normal police protection elsewhere in the City cannot be provided continuously and safely for the duration of the Outdoor Event.
- (i) The Chief of Staff may deny or revoke a Permit at any time if it shall appear by competent evidence that the Applicant has made a material misrepresentation or given incorrect material information on the Application. Prior to such denial or revocation, the Chief of Staff shall notify the Applicant of the evidence and provide the Applicant with three business days in which to rebut said evidence in writing.
- (j) The Chief of Staff may deny an Outdoor Event Permit if the Outdoor Event is being held for an unlawful purpose, and/or violates a federal, state, or local law or ordinance.
- (k) The Chief of Staff may deny or revoke a Permit if the Applicant does not receive all Sub-Permits required to carry out the Outdoor Event, as established in Article IV of this chapter, or does not fulfill any or all of the

other Outdoor Event requirements, as established in Article III of this chapter.

- (l) The Chief of Staff may revoke an Outdoor Event Permit upon the Applicant's violation of the rules set forth in this Chapter after s/he has received the Outdoor Event Permit.
- (m) The Chief of Staff may deny or revoke an Outdoor Event Permit when by reason of disaster, public calamity, riot or other emergency, the Chief of Staff, in consultation with the Police Chief and/or Fire Chief, determines that the safety of the public or property requires revocation or denial, provided that the Chief of Staff shall not revoke such an Outdoor Event Permit based on any of the factors set forth in section 142-12(b) above.
- (n) An Outdoor Event Permit may be revoked and an Outdoor Event may be terminated for public safety reasons by the Chief of Police and/or the Fire Chief, or their designees, in consultation with the Chief of Staff.

Section 142.13. Retention of Permit.

The Outdoor Event Host or her/his designee, shall be present during the entire Outdoor Event, and shall carry the Outdoor Event Permit personally during the entire Outdoor Event, including set-up and break-down. The Host shall be responsible for providing the SEM or her/his designee with the contact phone number or location of the person carrying the Outdoor Event Permit so that the SEM may contact the Permit-holder at any time during the Outdoor Event.

Section 142-14. Compliance.

The recipient of an Outdoor Event Permit, including but not limited to the Applicant and the Host, shall comply with all Outdoor Event Permit directions and conditions, and with all applicable laws and sections of this Chapter, and other ordinances.

Sections 142-15 through 142-20. Reserved.

Article III. Additional Outdoor Event Requirements

Section 142-21. Emergency Services and Fire Safety Plan.

- (a) The Host of any Outdoor Event is required to provide an Emergency Services and Fire Safety Plan, as that term is defined in section 142-2(i) above, for the Outdoor Event, and shall be required to provide and pay for firefighter, emergency medical technician, emergency medical personnel and/or ambulance service(s) for such internal emergency medical and fire

fighting services. This requirement notwithstanding, no Host shall pay for any of the costs set forth in section 142-12(b)(4) above, nor for general fire services and enforcement, and emergency medical services in the vicinity of the Outdoor Event.

- (b) All Outdoor Event Applications must include an Emergency Services and Fire Safety Plan Sub-Permit Application, as established by this section and section 142-37 below. The contents of the Emergency Services and Fire Safety Plan shall be determined by the anticipated number of attendees at the Outdoor Event, as described below.
- (c) Applicants shall submit their Emergency Services and Fire Safety Plan Sub-Permit Application to the SEM. The SEM shall forward the Sub-Permit Application to the Fire Rescue Department.
- (d) The Fire Rescue Department shall be responsible for determining whether to approve or deny an Emergency Services and Fire Safety Plan Sub-Permit. Said decision shall be made in writing and forwarded to the SEM, who shall provide the information to the Chief of Staff. For any Outdoor Event whose Application is due at least thirty days prior to the Outdoor Event, the Fire Rescue Department shall provide its determination in writing to the SEM within five business days after receipt of the Application. For any Outdoor Event whose Application is due less than thirty days prior to the Outdoor Event, the Fire Rescue Department shall provide its determination, in writing, to the SEM within five business days after receipt of the Application or eight business days before the date of the Outdoor Event, whichever is earlier. The Chief of Staff shall not issue an Outdoor Event Permit until it receives written approval of the Applicant's Emergency Services and Fire Safety Plan from the Fire Rescue Department.
- (e) The Emergency Services and Fire Safety Plan for Outdoor Events with fewer than two thousand anticipated attendees shall generally be a commitment by the Applicant to contact 911 should a medical or fire emergency arise. Should the Fire Rescue Department determine that an Outdoor Event requires additional emergency provisions to ensure public safety, it will modify the submitted Emergency Services and Fire Safety Plan accordingly.
- (f) The Atlanta Fire Rescue Department shall assign one City of Atlanta fire-rescue emergency medical technician and one City of Atlanta fire marshal or fire inspector to each Outdoor Event with two thousand anticipated attendees or greater. The Host shall provide each of these assignees with a phone number at which the Host or her/his designee can be reached at all times throughout the Outdoor Event.

- (1) The assigned emergency medical technician shall be responsible for inspecting and monitoring the emergency services being provided at the Outdoor Event to determine if those services are in compliance with the Host's approved Emergency Services and Fire Safety Plan and if the services are sufficient given the actual circumstances of the Outdoor Event.
 - (A) Should the emergency medical technician determine that the emergency services being provided at the Outdoor Event do not comply with the approved Emergency Services and Fire Safety Plan, and should this determination be the Outdoor Event's first violation of its approved Emergency Services and Fire Safety Plan, the emergency technician shall contact the Host or her/his designee and shall provide her/him with one hour in which to bring the emergency services into full compliance with the approved Emergency Services and Fire Safety Plan. As soon as possible after this contact, the emergency medical technician shall prepare written detailed documentation of the name of the Outdoor Event contact with whom s/he spoke, the time of the conversation, the emergency medical technician's findings regarding the violation(s), and the corrective action required of the Host. This written documentation shall be provided to the SEM within two business days after the conclusion of the Outdoor Event.
 - (i) Should the Host not comply in a timely manner with the corrective action required by the emergency medical technician, the City shall provide the necessary services and may include the full cost of providing these services in a Supplemental Services Fee.
 - (ii) Should the violation be the Outdoor Event's second or greater violation of its approved Emergency Services and Fire Safety Plan, the City may provide the necessary services without giving the Host an opportunity to take corrective action, and the City may include the full cost of providing these services in a Supplemental Services Fee. As soon as possible after finding the violation, the emergency medical technician shall prepare written detailed documentation of the nature of the violation and the corrective action taken by the City. This written documentation shall be provided to the SEM within

two business days after the conclusion of the Outdoor Event.

- (B) Should the emergency medical technician determine that the emergency services being provided at the Outdoor Event are not sufficient given the actual circumstances of the Outdoor Event, s/he shall notify the Host or her/his designee of such determination. The emergency medical technician, using her/his sole judgment or the judgment of her/his superiors in the Atlanta Fire Rescue Department regarding the immediacy of the need to have additional emergency services, shall determine whether to allow the Host to provide additional emergency services or whether to have the City provide additional emergency services. As soon as possible after the contact with the Host or her/his designee, the emergency medical technician shall prepare written detailed documentation of the name of the Outdoor Event contact with whom s/he spoke, the time of the conversation, the emergency medical technician's findings regarding the need for additional emergency services, the corrective action required, and who will provide the corrective action. This written documentation shall be provided to the SEM within two business days after the conclusion of the Outdoor Event. Where the City provides the additional emergency services, the City may include the full cost of providing these services in a Supplemental Services Fee.
- (2) The assigned fire marshal or fire inspector shall be responsible for inspecting and monitoring the Outdoor Event to determine its compliance with the Atlanta Fire Code and with the Host's approved Emergency Services and Fire Safety Plan.
 - (A) Where the fire marshal or fire inspector finds a violation of the Atlanta Fire Code or the approved Emergency Services and Fire Safety Plan, and where the violation is the first violation of the Fire Code and/or approved Emergency Services and Fire Safety Plan, the fire marshal or fire inspector shall require the violation to be remedied immediately, shall notify the Host or her/his designee of the violation, and shall prepare written documentation detailing the violation, the name of the violator, the location of the violation, the corrective action taken, the name of the Outdoor Event Host or designee contacted, and the time of the contact. Said documentation shall be provided to the

SEM within two working days of the conclusion of the Outdoor Event.

(B) Where the fire marshal or fire inspector finds a violation of the Atlanta Fire Code or the approved Emergency Services and Fire Safety Plan, and where the violation is not the first violation of the Fire Code and/or approved Emergency Services and Fire Safety Plan, the fire marshal or fire inspector shall require the violation to be remedied immediately and shall also determine the number of additional Atlanta fire marshals and/or fire inspectors needed to patrol the compliance of the Outdoor Event with the Atlanta Fire Code and the approved Emergency Services and Fire Safety Plan. The fire marshal or fire inspector shall communicate with the Host or her/his designee about the violation and the need for additional support from the Atlanta Fire Rescue Department. As soon as possible after ordering the additional support, the fire marshal or inspector shall prepare written documentation regarding the violation(s) found, the facts supporting the need for additional support, and the conversation with the Host or her/his designee. Said documentation shall be provided to the SEM within two working days of the conclusion of the Outdoor Event. The City may include the full cost of providing these additional fire marshal and/or fire inspector services in a Supplemental Services Fee.

(C) Should the violator or Host not comply in a timely manner with the corrective action plan required by the fire marshal or fire inspector, a stop work or stop operating order shall be given to the violator and Host or her/his designee. The stop work or stop operating order shall stay in effect until the violator or Host comes into full compliance.

(g) The Emergency Services and Fire Safety Plan for Outdoor Events with two thousand or greater anticipated attendees must show the following information:

(1) The number of off-duty fire-rescue emergency medical technicians, and/or the number of private ambulance service personnel that the Applicant plans to hire. The Applicant has the option of not hiring any private ambulance service personnel, but rather hiring additional off-duty fire-rescue emergency medical technicians to fulfill the role of the ambulance company personnel.

- (2) The arrangements that the Applicant has made for hiring fire-rescue emergency medical technicians, and/or private ambulance service personnel.
- (3) The Emergency Services and Fire Safety Plan must include a specific plan for fire safety for the Outdoor Event. This fire safety plan must include a full site plan that indicates fire department access and exit locations, whether any cooking will be used, the location of each cooking area, the types and locations of all flammable materials that will be used and/or stored, including without limitation gas, and whether pyrotechnics, fire works, or other special effects will be used.
 - (A) It is not necessary for the Outdoor Event to hire off-duty fire inspectors and off-duty fire marshals, except as indicated in section 142-21(f) above. However, where the Applicant intends to hire such personnel, the Emergency Services and Fire Safety Plan should indicate the number of off-duty fire inspectors and off-duty fire marshals that the Applicant plans to hire, and the number of private fire inspectors that the Applicant plans to hire.
 - (i) The fire safety plan should indicate the arrangements the Applicant has made for hiring the off-duty marshals, off-duty fire inspectors, and private fire inspectors.
 - (ii) The fire safety plan must show how many of the off-duty fire safety personnel to be used for internal fire safety services are National Fire Protection Association certified Fire Inspector I and have jurisdictional authority in the area of the Outdoor Event. In addition, the plan should show how many of the fire safety personnel are National Board of Professional Qualifications (NPQ) certified and State certified as emergency medical technicians.
- (h) In determining the adequacy and appropriateness of any Emergency Services and Fire Safety Plan, the Atlanta Fire Rescue Department shall be guided solely by considerations of the anticipated number of attendees at the event, the location of the event, whether the event has gates or other barriers to exiting the event, the season in which the event occurs, the presence of cooking, the presence of special hazards such as fireworks displays and other pyrotechnic and special effects, past experience with this particular Outdoor Event, or the Outdoor Event's Applicant or Host. The Atlanta Fire Rescue Department may consider the advice and counsel

of public safety personnel and other persons with expertise in handling or promoting similar events. In evaluating the Emergency Services and Fire Safety Plan, the Atlanta Fire Rescue Department shall not take into account any of the factors set forth in section 142-12(b) above.

Sec. 142-22. Fees.

The specific Application Fees and Permit Fees owed for each type of Permit and Sub-Permit are listed in the succeeding articles below. The provisions set forth in this Section 142-22 apply to all Outdoor Events.

- (a) Applicants must submit all Application Fees at the time of submitting an Outdoor Event Application. An Application shall not be deemed complete until all Application Fees are received.
- (b) All Fees shall be paid by money order or certified check only. The City shall not accept cash, personal or company checks to pay for such Fees. Fees paid directly to the Department of Parks, Recreation, and Cultural Affairs may also be paid by personal check or credit card.
- (c) The Chief of Staff or her/his designee shall calculate the total Fees owed by the Applicant, including fees assessed by the Bureau of Business Licenses, the Office of Parks, the Bureaus of Buildings, the Fire Rescue Department, and the Office of Solid Waste Services, as described below in this Chapter 142. The Applicant shall pay all Fees to the SEM, except for those fees owed pursuant to section 142-22(f)(2) below in which case said fees shall be paid directly to the Office of Solid Waste Services, or unless the Outdoor Event is a Park Facility Reservation (section 142-102) or a Large Gathering in a park (section 142-103(b)(2)), in which case the fees may also be submitted to the Office of Parks. Applicants may combine all Fees into one money order or certified check, except that Fees assessed by the Fire Rescue Department shall be paid with a separate certified check or money order.
 - (1) The Chief of Staff or her/his designee shall deposit the Fire fees into the Fire account. All other fees shall be deposited in a manner consistent with this City Code of Ordinances, and with other ordinances passed by the Atlanta City Council.
 - (2) The Chief of Staff or her/his designee shall provide all departments assessing Outdoor Event Fees with a monthly accounting of the Fees collected on their behalf and with notification of the accounts into which those fees were deposited.
- (d) No Applicant shall be required to supply or pay the cost of public safety personnel necessary to provide for the protection of an Outdoor Event and

its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the defined area of the Outdoor Event, or for general law enforcement in the vicinity of the Outdoor Event.

- (e) Any City Department or Bureau that prepares a bill for the Outdoor Event after the Outdoor Event occurs shall send the billing information to the Chief of Staff within ten business days after the conclusion of the Outdoor Event. In the case of Outdoor Events whose duration is greater than two weeks, billing information shall be sent to the Chief of Staff within ten business days after the conclusion of each week of the Outdoor Event. The Chief of Staff or her/his designee shall prepare a master City bill and send it to the Host.

(f) Solid Waste, Restoration, and Supplemental Service Fees

- (1) All Outdoor Event Applications must provide information regarding the number of people expected at the Outdoor Event, and the City solid waste services requested by the Applicant, if any.
- (2) Section 142-40(a) sets forth the circumstances under which an Applicant must receive a Solid Waste Sub-Permit. Where a Solid Waste Sub-Permit is required, the Applicant may obtain solid waste services from a private entity or from the City of Atlanta's Office of Solid Waste Services. If the Applicant is using the City's Office of Solid Waste Services, the Applicant shall work directly with the Office to establish the services that will be provided, and the fee for said services. The Office of Solid Waste Services will determine a Solid Waste Fee to be assessed to an Outdoor Event based upon the amount of people expected at the Outdoor Event and the services requested by the Applicant. The Office of Solid Waste Services shall have a schedule of fees and shall determine the appropriate Solid Waste Fee consistently based on these factors. These arrangements must all be completed prior to the Applicant's submission of the Solid Waste Sub-Permit Application pursuant to Section 142-40. The Office of Solid Waste Services shall provide to the Applicant a written document containing the agreed-upon services and a bill for the Solid Waste Fees so that the Applicant can attach said information to her/his Solid Waste Sub-Permit Application. The Applicant shall make all payments for the solid waste services to the Office of Solid Waste Services directly.
- (3) Sanitation Bonds. The sanitation bonds described below shall be refunded if the City determines, after the conclusion of the Outdoor Event, that no more than minimal clean-up is required to be performed by the City and there has been no damage to any City property. Where the City determines that a sanitation bond should be refunded,

it shall refund the bond within forty-five days after the conclusion of the Outdoor Event.

- (A) If the Host has conducted a previous Outdoor Event in the City and has been billed after the Outdoor Event for Restoration services and/or Supplemental Services, and the Host did not pay said bill in full within thirty days of receiving the bill, the City shall require the Host to obtain a refundable sanitation bond in the amount of said bill for all future outdoor Events.
 - (B) The City may require a \$100 refundable sanitation bond where the Host applies to reserve a park facility (see also section 110-3(e)(2)) or to have any other Outdoor Event in a park, provided there is no formal agreement between the Host and the City. Where a sanitation bond has been posted as part of an Outdoor Festival Application or other Outdoor Event Application, no additional sanitation bond shall be required- no more than one sanitation bond shall be required for any particular Outdoor Event. With the exception of bonds required for Outdoor Festivals, the sanitation bond requirement may be waived if the Host has performed or held an Outdoor Event at least once per year during the past three consecutive years and completed all clean-up and cooperated fully with the City during each of those Outdoor Events.
 - (C) A \$100 refundable sanitation bond shall be required for all Assemblies, as defined in Article VI of this Chapter.
- (4) For Outdoor Events where a) the City must provide Restoration services; and b) the City property that requires Restoration services is not a City park; and c) the City spends more money for Restoration services than the amount remaining from the Solid Waste Fee plus the sanitation bond, if any, the Office of Solid Waste Services will assess the amount owed for Restoration services and will forward the assessment to the Chief of Staff or her/his designee for billing. The Chief of Staff or her/his designee must send the bill to the Host no later than sixty days after the conclusion of the Outdoor Event. The Host shall pay the assessment in full within thirty days of receiving the bill.
- (5) For Outdoor Events where a) the City must provide Restoration services; and b) the City property that requires Restoration services is a City park, the Parks Bureau will assess the amount owed for Restoration services and will forward the assessment to the Chief of

Staff for billing. The Chief of Staff or her/his designee must send the bill to the Host no later than sixty days after the conclusion of the Outdoor Event.

- (A) The Host must pay the assessment no later than thirty days after receiving the bill.
 - (B) In the event that the park requiring Restoration services is maintained, at least in part, by a conservancy or other group that has a Memorandum of Understanding with the City regarding said maintenance, the Host may pay the conservancy directly to provide the Restoration services, upon receiving written approval of said arrangement from the Commissioner of the Department of Parks, Recreation and Cultural Affairs. The Restoration shall not be deemed complete until approved in writing by the Commissioner of the Department of Parks, Recreation and Cultural Affairs.
- (6) For Outdoor Events where the City must provide Supplemental Services, the Host must reimburse the City in full for the cost of such Supplemental Services. The Chief of Staff or her/his designee shall assess the amount owed for the Supplemental Services and shall send the bill to the Host no later than sixty days after the conclusion of the Outdoor Event.

Sec. 142-23. Park Facility Reservations.

Regardless of the type of Outdoor Event, any Applicant wishing to utilize an outdoor facility in a Park, such as a pavilion, as part of a larger Outdoor Event, must file a Facility Reservation Application along with the Application for the larger Outdoor Event. The method of applying for, and the criteria for receiving a Facility Reservation Permit are set forth in Section 142-102. During Class A, B, and C Outdoor Festivals, the City will not allow any other Applicant, other than the Outdoor Festival Applicant, to reserve an outdoor facility located in the Festival Gathering Area.

Sec. 142-24. Portable Restrooms.

- (a) All Outdoor Events that provide portable restrooms must have a portable restroom Sub-Permit. The portable restroom Sub-Permit requirements and procedures are set forth in section 142-39 below.
- (b) Location and Removal of Portable Restrooms
 - (1) The Outdoor Events portable restroom Sub-Permit shall state the exact location where the portable restroom(s) shall be placed. In the event that the portable restrooms are not placed at the location

designated on the Sub-Permit, the the Chief of Staff or her/his designee shall give the Host oral or written notice to move the portable restroom(s) to the proper location. The Host must have the portable restroom(s) moved immediately, but in no event greater than six hours. Should the Host fail to meet this requirement, s/he shall be subject to the penalties set forth in Section 1-8 (c) of this Code of Ordinances.

- (2) The Outdoor Events portable restroom Sub-Permit shall state the time that the portable restroom(s) shall be removed. In the event that the portable restrooms are not removed by the time set forth in the Sub-Permit, the Host shall be subject to the penalties set forth in Section 1-8 (c) of this Code of Ordinances. Where the Host provides evidence of a good faith effort to have the portable restroom owner remove the portable restrooms in a timely manner, the City shall not subject the Host to the penalties of Section 1-8(c). Instead, the Chief of Staff shall provide written notice to the portable restroom owner requiring that the owner remove the portable restrooms within twenty-four hours of receiving the City's written notice. Should the owner fail to meet this requirement, s/he shall be subject to the penalties set forth in Section 1-8 (c) of this Code of Ordinances.
- (3) Should portable restrooms be utilized at an Outdoor Event where a portable restroom Sub-Permit has not been obtained, or where the Sub-Permit does not permit the quantity of portable restrooms being utilized, the Chief of Staff or her/his designee may give the Host oral or written notice to remove the non-permitted portable restroom(s) immediately, but in no event greater than six hours. Should the Host fail to meet this requirement, s/he shall be subject to the penalties set forth in Section 1-8 (c) of this Code of Ordinances.
- (4) Should portable restrooms be placed on Public Property for an Outdoor Event that is not permitted, the Chief of Staff or her/his designee shall require the owner of the portable restrooms to remove the portable restrooms within twenty-four hours of receiving the Chief of Staff's or her/his designee's written notice. Should the owner fail to meet this requirement, s/he shall be subject to the penalties set forth in Section 1-8 (c) of this Code of Ordinances.

Sec. 142-25. Recycling and Other Solid Waste Issues.

All Hosts of Outdoor Events requiring a permit pursuant to this Chapter must comply with the City of Atlanta Code of Ordinances section 130-44, as well as all other

applicable City, Fulton County, DeKalb County, State and Federal laws. Said section 130-44 sets forth requirements regarding recycling, as well as timeframes for removal of solid waste from the property on which the Outdoor Event is held.

Section 142-26. Right-of-Way/ Park Closure.

- (a) Except as provided in subsection (c) below, under no circumstances shall the Chief of Staff approve any Permit that allows the Applicant to:
 - (1) limit the use of a public street or sidewalk by pedestrians and/or vehicles that are using the street or sidewalk to move from location to location; or
 - (2) limit the use of a public park, when use of the park by the general public shall not unreasonably disturb the activities of the Outdoor Event.
- (b) Nothing in this section shall be construed to prohibit the imposition of reasonable restrictions on the movement of the general public which are necessary for the carrying out of the Outdoor Event; however, such restrictions shall not be based on nor impact any member of the public because of any of the factors set forth in section 142-12(b) above.
- (c) An Applicant that wishes to hold an Outdoor Event that requires closure of all or a portion of a City park, street, sidewalk, or other right-of-way, shall apply for an Assembly Permit, as set forth in Article VI below. An Applicant whose Outdoor Event contains a discreet segment that requires closure of all or a portion of a City park, street, sidewalk, or other right-of-way, shall apply for an Assembly Permit for that portion of the Outdoor Event, as set forth in Article VI below.

Sec. 142-27. Rules during Outdoor Events in Parks.

In addition to the rules set forth in this Chapter, additional rules regarding prohibited conduct in parks while an Outdoor Event is occurring in the park, are set forth in Section 110-76 of this Code of Ordinances.

Sections 142-27 through 142-30. Reserved.

Article IV. Sub-Permits.

Section 142-31. Sub-Permits in General.

- (a) Any Applicant submitting an Application for any type of Outdoor Event, where the Outdoor Event includes the use of a temporary structure (such

as a tent), electricity, amplification, food and/or drinks, portable restrooms, alcohol, amusements, banners, or that produces solid waste, may need to obtain a Sub-Permit. In addition, all Class A, B, and C Outdoor Festivals and all Assemblies that include organized group movement from one location to another, including without limitation races, walks, marches, and parades, must obtain a Water Sub-Permit. Lastly, all Outdoor Events must obtain an Emergency Services Sub-Permit. This Article IV lists the types of Sub-Permits and when each type of Sub-Permit is required.

- (b) Obtaining a Sub-Permit is part of the Outdoor Event permitting process. All Applications for a Sub-Permit, including any fees associated with the Sub-Permit Application, must be submitted to the SEM, except that where an Applicant chooses to submit an Application to the Office of Parks rather than the SEM pursuant to sections 142-102 and 142-103, the related Sub-Permit Application(s) may also be submitted to the Office of Parks. The Sub-Permit Application shall be submitted along with the Outdoor Event Application, unless a different time frame for submitting the Sub-Permit Application is designated below. Where the Sub-Permit Application is submitted to the Office of Parks, the Office shall forward the Sub-Permit Application to the SEM for processing within one business day of receipt.
- (c) The SEM shall be responsible for forwarding all Sub-Permit Applications to the City Department(s) and/or Bureau(s) that are responsible for evaluating whether the Sub-Permit shall be granted, as provided in this section below. The SEM shall forward the Permit Application and the Sub-Permit Application to the Department or Bureau within two business days of receiving the Applications. Said City Department or Bureau shall provide a written determination regarding the Sub-Permit to the SEM within ten business days of receiving the Applications, and the SEM shall provide the information to the Chief of Staff. Such determination shall be based on a set of written standards maintained by the reviewing Department or Office, and said standards shall be applied uniformly to all Applicants. Where the reviewing Department or Office approves the Sub-Permit Application, it shall provide the Sub-Permit to the SEM, who shall provide the Sub-Permit to the Chief of Staff. The Chief of Staff shall provide the Sub-Permit to the Applicant.
- (d) Denial of an Alcohol, Amplification, Amusement, Banner, Electricity, Food and Beverage, and/or Temporary Structures Sub-Permit Application does not necessitate denial of the Outdoor Event Permit, but rather precludes the Outdoor Event's inclusion of the item or service for which the Sub-Permit was denied. In addition, denial of a Portable Restroom Sub-Permit Application does not necessitate the denial of the Outdoor Event Permit if the Applicant's proposed use of the Portable Restroom(s)

is strictly voluntary and there is no City or County requirement that Portable Restrooms be utilized at the Outdoor Event.

Section 142-32. Alcohol Sub-Permit.

- (a) No alcohol may be served and/or sold at any Outdoor Event unless the Host receives an Alcohol Sub-Permit. Where the Outdoor Event occurs in a Park, the only type of Outdoor Event eligible for an Alcohol Sub-Permit is an Outdoor Festival. Alcohol is not permitted in parks absent a permitted Outdoor Festival, subject to the provisions of Atlanta Code section 110-76(a)(5), and an Alcohol Sub-Permit.
- (b) If the Outdoor Event is utilizing an alcohol pourer that has already obtained a City-issued liquor license from the City's Bureau of Licenses and Permits, the Applicant shall complete and submit an Alcohol Sub-Permit Application to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Alcohol Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event.
 - (1) The SEM shall forward the Alcohol Sub-Permit Application to the Department of Finance's Office of Revenue. The Office of Revenue shall be the sole decision-maker of whether to issue a Sub-Permit.
 - (2) The Fee for an Alcohol Sub-Permit shall be \$25.00 per day, per fixed location where alcohol is served, for Applicants that are non-profit organizations. For all other Applicants, the Alcohol Sub-Permit Fee shall be \$50.00 for beer and/or wine, \$50.00 for all other types of alcoholic beverages, and \$100 for beer and/or wine and other alcoholic beverages, per day, per location where alcohol is served.
 - (3) The Applicant must obtain a license to serve alcohol at the Outdoor Event from the State of Georgia, and must supply the City with a copy of said license no later than three business days prior to the Outdoor Event.
- (c) If the Outdoor Event is utilizing an alcohol pourer that has not already obtained a City-issued liquor license, the Applicant must obtain an alcohol pourer license utilizing the standard procedures established by the City. These procedures do not include involvement by the SEM or the Chief of Staff. Once the Applicant receives the alcohol pourer license, it shall then proceed with the procedure set forth in subsection 142-32(b) above to receive an Alcohol Sub-permit for the Outdoor Event.

Section 142-33. Amplification Sub-Permit.

- (a) An Amplification Sub-Permit is required where an amplification device will be utilized at an Outdoor Event located on Public Property, or at a permitted Outdoor Event located on Private Property.
- (b) There is no fee for an Amplification Sub-Permit.
- (c) The Amplification Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application.
- (d) If the Outdoor Event is located in a City park, the SEM shall forward the Amplification Sub-Permit Application to the Department of Parks, Recreation and Cultural Affairs. If the Outdoor Event is located on Private Property, or on Public Property other than a City park, the SEM shall forward the Amplification Sub-Permit application to the Department of Police, Special Operations section. The Department of Parks, Recreation and Cultural Affairs, and the Department of Police respectively shall be the sole decision-makers of whether to issue a Sub-Permit.
- (e) The Department of Parks, Recreation and Cultural Affairs, and/or the Department of Police shall consider the time and location requested in the Application in determining whether to approve utilization of the sound amplification systems requested in the Sub-Permit Application. The Departments shall also consider the regulations of the Atlanta Noise Ordinance, Atlanta Code of Ordinances section 74-129 through 74-160, where applicable, but shall not apply these regulations to Outdoor Festivals or other Outdoor Events that are explicitly exempted from the Noise Ordinance mandates.

Section 142-34. Amusement Sub-Permit.

- (a) An Amusement Sub-Permit is required to operate a ride or amusement at any Outdoor Event. Where the Outdoor Event occurs in a park, the only type of Outdoor Event eligible for an Amusement Sub-Permit is an Outdoor Festival. Rides and/or amusements are not permitted in parks absent a permitted Outdoor Festival and Amusement Sub-Permit.
- (b) Applicants shall submit the Amusement Sub-Permit Application and Fee to the SEM. The Amusement Sub-Permit Fee shall be established in writing by the Director of the Bureau of Buildings, but in no event shall be less than \$25.00 per event. The amount of the fee shall not be based upon the number of rides and/or amusements.

- (c) The Amusement Sub-Permit Application and Fee shall be submitted to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Amusement Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event.
- (d) The SEM shall submit the Amusement Sub-Permit Application to the Bureau of Buildings. If the Amusement Sub-Permit involves a park, the SEM shall also submit the Amusement Sub-Permit Application to the Bureau of Parks. The Bureau of Buildings, and the Bureau of Parks where applicable, shall be the sole decision-makers of whether to issue the Sub-Permit.

Section 142-35. Banner Sub-Permit.

- (a) A Banner Sub-Permit is required for all Outdoor Events that will have one or more Banners at the Outdoor Event.
- (b) There is no fee for a Banner Sub-Permit.
- (c) The Banner Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Banner Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event.
- (d) The SEM shall forward the Banner Sub-Permit Application to the Fire Rescue Department's Inspection Division, and the Fire Rescue Department shall determine whether the Sub-Permit shall be granted. The Fire Rescue Department shall be the sole decision-maker of whether to issue a Sub-Permit. The Sub-Permit shall be issued upon the Fire Rescue Department's determination that each Banner at the Outdoor Event is composed of material that meets the National Fire Protection Association 701 standards. This determination may be made in one of two ways: 1) the Applicant provides a Certificate of Flammability from the Banner's fabric manufacturer stating that the material meets the National Fire Protection Association 701 standards; or 2) the Fire Rescue Department performs a test upon a sample of the Banner material to determine whether it meets the National Fire Protection Association 701 standards.
- (e) The Applicant's Sub-Permit Application must indicate whether the Applicant is seeking the Sub-Permit along with the issuance of the Outdoor Event Permit or at the time of set-up of the Outdoor Event. For issuance of the Sub-Permit along with the issuance of the Outdoor Event Permit, the Applicant shall submit a sample of the Banner material along with the Sub-Permit Application, and where available, the Certificate of

Flammability from the Banner's fabric manufacturer. For issuance of the Sub-Permit at the time of set-up, the Fire Rescue Department will obtain copies of the Certificate of Flammability from the Banner's fabric manufacturer and/or will test the banner fabric on site at the Outdoor Event. At any Outdoor Event, the Fire Rescue Department shall have the authority to require that a Banner be taken down upon a finding that the Banner does not meet the National Fire Protection Association 701 standards.

- (f) Where the Banner is to be attached to a light pole or other such pole or object erected in any City street, sidewalk, or other City right-of-way, regardless of the owner of the light pole or other object, this Outdoor Events Ordinance shall not apply to the permitting of the Banner. Instead, the Applicant must proceed according to the regulations set forth in Atlanta Code of Ordinances section 138-60, including applying for and obtaining a permit from the Commissioner of Public Works.

Section 142-36. Electricity Sub-Permit.

- (a) An Electricity Sub-Permit is required where supplemental electricity will be utilized at an Outdoor Event located on Public Property; or where electricity will be utilized at an Outdoor Event located on Private Property, but only when this chapter requires said Private Property Outdoor Event to be permitted. For purposes of this Section 142-36, "supplemental electricity" shall mean all electrical devices except for electrical outlets mounted on the Public Property by the City and grounded extension cords. Supplemental electricity shall include without limitation generators and additional electrical wiring.
- (b) The Electricity Sub-Permit Fee shall be established in writing by the Director of the Bureau of Buildings, but in no event shall be less than \$50.00.
- (c) Applicants may obtain an Electricity Sub-Permit in one of two ways. The first option is that the Applicant may obtain an Electricity Sub-Permit directly from the Bureau of Buildings Electrical Division. The second option is that the Applicant may obtain an Electricity Sub-Permit as part of her/his Outdoor Event Application process.
- (d) Where the Applicant chooses to obtain an Electricity Sub-Permit directly from the Bureau of Buildings Electrical Division, the Applicant shall submit an Electricity Sub-Permit Application to the SEM with the Outdoor Event Application that merely states that the Sub-Permit is being obtained directly from the Bureau of Buildings Electrical Division. The Applicant need not provide any other information or an Electricity Sub-Permit Fee to the SEM.

- (e) Where the Applicant chooses to obtain an Electricity Sub-Permit as part of the Outdoor Event Application process, s/he shall submit the Electricity Sub-Permit Application, including the necessary Fee, to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Electricity Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event. The SEM shall submit the Electricity Sub-Permit Application to the Bureau of Buildings Electrical Division, and said Division shall be the sole decision-maker of whether to issue an Electricity Sub-Permit.
- (f) All Electricity Sub-Permits shall be issued based on the plans submitted either directly to the Bureau of Buildings Electrical Division or with the Sub-Permit Application, but the Sub-Permit shall be subject to inspection of the electrical service by the Bureau of Buildings at the Outdoor Event at the time that the service commences.
- (g) The City shall have the right to terminate the use of supplemental electricity at an Outdoor Event where the Host fails to meet the requirements of this Section 142-36, including without limitation where the Host utilizes an extension cord that is not grounded.

Section 142-37. Emergency Services Sub-Permit.

All Outdoor Events must have an Emergency Services Sub-Permit. The Emergency Services Sub-Permit is issued after the Applicant's Emergency Services and Fire Safety Plan has been approved by the Atlanta Fire Rescue Department. There is no fee for an Emergency Services Sub-Permit. The requirements and procedures for obtaining this Sub-Permit are set forth in section 142-21 above. The Fire Rescue Department shall be the sole decision-maker of whether to issue the Sub-Permit.

Section 142-38. Food and Beverage Sub-Permit.

- (a) A Food and Beverage Sub-Permit is required for all Outdoor Festivals where food and/or beverages will be served. A Food and Beverage Sub-Permit is also required for any other Outdoor Event where food and/or beverages will be served and where the county in which the Outdoor Event is located regulates the type of food and/or beverage service that will occur at the Outdoor Event. For purposes of this Article, "beverage" includes water but does not include alcoholic drinks.
- (b) There is no fee for a Food and Beverage Sub-Permit.
- (c) The Food and Beverage Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application. Where the Outdoor Event

Application is due less than thirty days prior to the Outdoor Event, the Food and Beverage Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event. The Food and Beverage Sub-Permit Application must include a certificate from Fulton County showing that the County has approved the serving of food and/or beverages at the Outdoor Event. Where the Outdoor Event is occurring in DeKalb County, the Application must include a certificate from DeKalb County showing that the County has approved the serving of food and/or beverages at the Outdoor Event. Where the County in which the Outdoor Event is occurring does not require a certificate for the type of food and beverages being served at the Outdoor Event, the Applicant shall indicate this fact on the Sub-Permit Application.

- (d) The SEM shall forward the Food and Beverage Sub-Permit Application to the Fire Rescue Department's Special Operations Division. The Fire Rescue Department shall be the sole decision-maker of whether to issue the Sub-Permit. In determining whether to approve or deny the Sub-Permit Application, the Fire Rescue Department shall determine solely whether the Applicant has met the food and beverage permitting standards required by the County in which the Outdoor Event is occurring.

Section 142-39. Portable Restroom Sub-Permit.

- (a) A Portable Restroom Sub-Permit is required for all Outdoor Events located in Fulton County that are required by Fulton County to provide portable restrooms, for all Outdoor Events located in DeKalb County that are required by DeKalb County to provide portable restrooms, or that wish to provide portable restrooms. In addition, where the Fulton County Health Standards applied to for-profit organizations would require portable restrooms for the Applicant's Outdoor Event, if the Applicant were a for-profit organization located in Fulton County, the Applicant must obtain a Portable Restroom Sub-Permit.
- (b) There is no fee for a Portable Restroom Sub-Permit.
- (c) The Portable Restroom Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Portable Restroom Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event.
- (d) The Portable Restroom Sub-Permit Application must include the name of the Portable Restroom company providing the service, the number of portable restrooms being provided, the desired location of the portable restrooms, the desired time of delivery and removal of the portable restrooms, and a copy of the contract between the Applicant and the

Portable Restroom company. It must also include a certificate from either Fulton or DeKalb County, depending upon the location of the Outdoor Event, showing that the County has approved the use and quantity of portable restrooms at the Outdoor Event.

- (e) For Class A, B, and C Outdoor Festivals located in a park that contains public restrooms, the Sub-Permit Application must also include a specific plan for cleaning and re-stocking the restrooms every two hours. By way of example, said plan may include evidence that the cleaning and re-stocking responsibility is part of the proposed Outdoor Festival's cleaning contract or evidence of assignment of Outdoor Festival staff to perform the responsibility.
- (f) The SEM shall forward the Portable Restroom Sub-Permit Application to the Fire Rescue Department's EMS and Special Operations Divisions. The Fire Rescue Department shall be the sole decision-maker of whether to issue a Sub-Permit, but the exact terms of the Sub-Permit shall be determined by the Office of Parks or the Department of Public Works, where applicable, as set forth below in subsections (g) and (h) of this section 142-39. In determining whether to approve or deny the Sub-Permit Application, the Fire Rescue Department, at a minimum, shall apply the health standards that Fulton County requires for for-profit organizations. The Fire Rescue Department shall require, at a minimum, that these for-profit health standards be met, regardless of whether the Applicant is a non-profit or for-profit entity. The Fire Rescue Department shall have the right to require more portable restrooms than would be required by Fulton County should the Fire Rescue Department determine that public health mandates the greater quantity.
- (g) If the Sub-Permit Application indicates that the Portable Restroom(s) will be located in a park, the SEM shall forward the Application to the Office of Parks, which shall establish the exact location for the Portable Restrooms, and the time of Portable Restroom delivery and removal. For Class A, B, and C Outdoor Festivals located in a park that contains public restrooms, the Office of Parks shall also determine whether the Applicant's plan regarding said restrooms, as required pursuant to section 142-39(e) above, is acceptable. Where the plan is deemed unacceptable by the Office of Parks, the Director of said office, or her/his designee, shall work with the Applicant to modify the plan.
- (h) If the Sub-Permit Application indicates that the Portable Restroom(s) will be located on City right-of-way, but not in a park, the SEM shall forward the Application to the Department of Public Works, which shall establish the exact location for the Portable Restrooms, and the time of Portable Restroom delivery and removal.

Section 142-40. Solid Waste Sub-Permit.

- (a) A Solid Waste Sub-Permit is required for all Outdoor Events that are required by Fulton County or DeKalb County, depending upon the location of the Outdoor Event, to provide a solid waste plan. In addition, where the Fulton County Health Standards applied to for-profit organizations would require a solid waste plan for the Applicant's Outdoor Event, if the Applicant were a for-profit organization located in Fulton County, the Applicant must obtain a Solid Waste Sub-Permit.
- (b) There is no fee for a Solid Waste Sub-Permit. Where an Outdoor Event utilizes the City's Office of Solid Waste Services for solid waste services, however, the Bureau shall assess a Solid Waste Fee, as described in section 142-22(f).
- (c) The Solid Waste Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application. Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Solid Waste Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event. The solid waste Sub-Permit Application must include the name of the company providing solid waste services, the types of services being provided by the company, and a copy of the Applicant's agreement with the solid waste company. This information must be submitted even if the provider of solid waste services is the City's Office of Solid Waste Services. The Application must also include a certificate from Fulton County or DeKalb County, depending upon the location of the Outdoor Event, showing that the County has approved the solid waste plan for the Outdoor Event.
- (d) The SEM shall forward the Solid Waste Sub-Permit Application to the Office of Solid Waste Services. The Office of Solid Waste Services shall be the sole decision-maker of whether to issue a Sub-Permit. In determining whether to approve or deny the Sub-Permit Application, the Office of Solid Waste Services, at a minimum, shall apply the health standards that Fulton County requires for for-profit organizations. The Office of Solid Waste Services, at a minimum, shall require that these for-profit health standards be met, regardless of whether the Applicant is a non-profit or for-profit entity. The Office of Solid Waste Services shall have the right to require more solid waste services than would be required by Fulton County should the Office of Solid Waste Services determine that public health mandates the additional services.

Section 142-41. Temporary Structures Sub-Permit.

- (a) A Temporary Structures Sub-Permit, is required where the Outdoor Event includes use of a temporary structure that is:

- (1) A tent that is 200 square feet or larger; or
 - (2) Two or more tents that are closer than 12 feet apart, regardless of the size of the tent; or
 - (3) A non-tent that is 120 square feet or larger; or
 - (4) Any type of temporary structure that is 100 square feet or larger and will be located inside of a park; or
 - (5) Any type of temporary structure, regardless of size, that will contain a cooking device that uses electricity, gas, or a flame.
- (b) Applicants shall submit the following fees with the Temporary Structure Sub-Permit Application:
- (1) Tents that are 200 square feet or larger, or are closer than 12 feet apart, require a fee of \$66.00, and the Chief of Staff or his designee shall forward this fee to the Fire Rescue Department. This fee is a flat fee that shall apply regardless of how many tents will be erected during the Outdoor Event.
 - (2) Non-tent temporary structures that are 120 square feet or larger require two fee payments which cannot be combined. The first fee is \$50.00, which the Chief of Staff or his designee shall designate as belonging to the Bureau of Buildings. The second fee is \$66.00, and the Chief of Staff or his designee shall forward this money to the Fire Rescue Department. These fees are flat fees, and apply regardless of how many temporary structures will be created and/or erected during the Outdoor Event.
 - (3) Temporary structures that will contain a cooking device, as described above, and that are smaller than 120 square feet, require a fee of \$66.00 per event regardless of how many temporary structures will be created and/or erected during the Outdoor Event, and the Chief of Staff or his designee shall forward the fee to the Fire Rescue Department.
 - (4) Temporary structures that are 100 square feet or larger and will be located inside of a City park require no fee, unless the temporary structure also meets the criteria set forth in subsection (b)(1), (b)(2), or (b)(3) above.
- (c) The Temporary Structure Sub-Permit Application, including necessary fees, shall be submitted to the SEM with the Outdoor Event Application.

Where the Outdoor Event Application is due less than thirty days prior to the Outdoor Event, the Temporary Structures Sub-Permit Application must none-the-less be submitted to the SEM no later than thirty days before the Outdoor Event. For temporary structures that are 120 square feet or larger, as part of the Sub-Permit Application, the Applicant must submit a copy of liability insurance covering the temporary structure.

- (d) OSE shall submit the Temporary Structure Sub-Permit Application to each of the following departments or bureaus, as applicable, and said Departments and Bureaus shall be the decision-makers of whether to issue a Sub-Permit. Temporary structures that qualify for more than one of the categories described below in this section shall follow the procedure below for each of the categories that apply to the temporary structure.
 - (1) Where the structure is a tent that is 200 square feet or larger, or is two or more tents located less than 12 feet apart, the SEM shall forward the Sub-Permit Application to the Fire Rescue Department. The Fire Rescue Department must approve the issuance of a Sub-Permit in order for the temporary structure to be permitted. The Fire Rescue Department may forward a copy of any Sub-Permit Application to the Bureau of Buildings for consideration if the Department, in its sole discretion, deems Bureau of Buildings approval to be a prerequisite to giving the Department's approval for that particular Application; and
 - (2) Where the structure is a non-tent, 120 square feet or larger, the SEM shall forward the Sub-Permit Application to the Fire Rescue Department and the Bureau of Buildings. If the structure is 200 square feet or larger, the plans submitted with the Sub-Permit Application must indicate approval by a Georgia Registered Professional Engineer or Architect. Both the Fire Rescue Department and the Bureau of Buildings must approve the issuance of a Sub-Permit in order for the temporary structure to be permitted; and
 - (3) Regardless of size, where the structure will contain a cooking device that uses electricity, gas, or a flame, the SEM shall forward the Sub-Permit Application to the Fire Rescue Department. The Fire Rescue Department must approve the issuance of a Sub-Permit in order for the temporary structure to be permitted; and
 - (4) Where the structure is 100 square feet or larger and will be located inside of a City park, the SEM shall forward the Sub-Permit Application to the Department of Parks, Recreation and Cultural Affairs, and the Department's Commissioner must provide written

approval of the structure, including its location, in order for the temporary structure to be permitted.

- (e) For any temporary structure that is listed in section 142-41(a)(1), (2), (3), or (5), a Sub-Permit shall be granted only if the temporary structure is certified as flameproof by the Fire Rescue Department's Fire Marshall's office.
- (f) All Temporary Structure Sub-Permits shall be issued based on the plans submitted with the Sub-Permit Application, but shall be subject to inspection upon actual set-up of the temporary structure, and are subject to revocation if the City determines that public safety is jeopardized. A report of the results of said inspection(s) shall be submitted to the SEM. For temporary structures that are 120 square feet or larger, the Director of the Bureau of Buildings, or her/his designee, and the Fire Chief, or her/his designee, shall make a complete inspection of the erected temporary structures and premises to determine their safety. Said City officials shall make certain that the proper equipment and exits are installed for the safety of the public. The Fire Chief shall place such officers and members of the Fire Rescue Department around the premises as the Fire Chief deems necessary. The Police Chief shall assist the Fire Chief in carrying out the Fire Chief's orders and instructions.
- (g) In the event that a permitted temporary structure shall be located in the public right-of-way, the SEM shall send written notice of this fact to the Department of Police within three business days of the issuance of the Sub-Permit.

Section 142-42. Water Sub-Permit.

- (a) A Water Sub-Permit is required for all Class A, B, and C Outdoor Festivals and all Assemblies that include organized group movement from one location to another, including without limitation races, walks, marches, and parades.
- (b) There is no fee for a Water Sub-Permit.
- (c) The Water Sub-Permit Application shall be submitted to the SEM with the Outdoor Event Application.
- (d) The SEM shall forward the Water Sub-Permit Application to the Fire Rescue Department's Special Operations Division. The Fire Rescue Department shall be the sole decision-maker of whether to issue the Sub-Permit. In determining whether to approve or deny the Sub-Permit Application, the Fire Rescue Department shall determine solely whether the Applicant has met the Fire Rescue Department's standards regarding

availability of free water to Outdoor Event attendees. The Fire Rescue Department shall create a set of standards by which it determines whether the availability of free water is acceptable, and shall apply the standards uniformly for all Applicants.

Sections 142-43 through 142-49. Reserved.

ARTICLE V. Outdoor Festivals.

Section 142-50. Title.

This Article shall be known as the Outdoor Festivals Ordinance, which is a subsection of the Outdoor Events Ordinance. All of the definitions, requirements and other provisions set forth in article I through article IV of this chapter shall apply to the Outdoor Festivals Ordinance.

Section 142-51. Additional Definitions.

In addition to the words, terms and phrases set forth in Section 142-2 above, the following words, terms and phrases, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

- (a) **Certification** shall mean a signed document by the Applicant attesting that a notice of intent to hold an Outdoor Festival has been sent by registered mail or by hand delivery to the City Council President and the District Council Member for the areas affected by the Outdoor Festival.
- (b) **Commercial** means any part of the net earnings derived from the Outdoor Festival or from any publicity or promotion resulting from the Outdoor Festival inures to the benefit of any private shareholder, individual or for-profit corporation, as such term is defined by the Official Code of Georgia.
- (c) **Festival Gathering Area** means the entire area of the Outdoor Festival for which the Host is responsible under the terms of this Article V, including the following elements: the Festival Production Area, all vending locations connected with the Outdoor Festival, the area where the anticipated crowd can reasonably be expected to locate itself upon arrival at the Outdoor Festival, and a perimeter in every direction from the outer limits of the foregoing elements a distance of:
 - (1) The greater of three blocks or 1,500 feet for all Class A events.
 - (2) The greater of two blocks or 1,000 feet for all Class B events.
 - (3) The greater of one block or 500 feet for all Class C events.

- (4) Two hundred feet for Class D and E events.

All of the area within this perimeter shall be considered part of the Festival Gathering Area; provided, the Festival Gathering Area will not extend beyond physical features such as walls, ravines, railroad tracks and major highways, which presence creates a true and actual barrier to Outdoor Festival attendees.

- (d) **Festival Monitor** means the person(s) employed by the City to act as a liaison between and among the City and its departments and offices, conservancies, and the Host during the Outdoor Festival, beginning with the set-up phase of the Outdoor Festival and continuing until the completion of the cleanup phase of the Outdoor Festival. The Festival Monitor is supervised by the SEM, except that the SEM shall not supervise those employees of the Department of Parks, Recreation, and Cultural Affairs that are monitoring the set-up and take-down of an Outdoor Festival located in a park.
- (e) **Festival Production Area** means the area or areas, not necessarily contiguous to each other, which are central to the production of the Outdoor Festival, and which are erected and/or utilized by the Host for the production of the Outdoor Festival, including, but not limited to, stages, barricades, parked vehicles, booths, tents or other temporary or permanent structures, and/or utility poles, and including but not limited to the area immediately surrounding those items and/or locations.
- (f) **Internal Security Plan** means a plan submitted by the Applicant to the SEM, along with the Outdoor Festival Application, that sets forth the Applicant's plans for providing security to public and Private Property, performers, entertainers, exhibitors, speakers, attendees, or other persons in the Festival Gathering Area. The term Internal Security Plan does not apply to any plan for public safety personnel necessary to provide for the protection of an Outdoor Festival and its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the Festival Gathering Area, or for general law enforcement in the vicinity of the Festival Gathering Area.
- (g) **Noncommercial** means the net earnings derived from the Outdoor Festival or from any publicity or promotion resulting from the Outdoor Festival inure exclusively to the benefit of any group, organization or civic league that: 1) is not organized for profit; and 2) is operated for, and whose proceeds are expended exclusively in support of charitable, educational, religious, scientific, social welfare, or literary purposes; and 3) has no part of its net earnings inuring to the benefit of any private shareholder, individual or for-profit corporation, as such term is defined by the Official Code of Georgia.

- (h) **Outdoor Festival** means an outdoor public celebration or gathering which lasts for greater than three hours, and:
- (1) Meets the definition of Outdoor Event; and
 - (2) Lasts for ninety or fewer consecutive days; or lasts for thirteen or fewer consecutive weeks where the Outdoor Event occurs on no fewer than three days out of each consecutive week. Outdoor Events that do not meet one of these criteria shall be treated as separate Outdoor Events; and
 - (3) Is reasonably expected to have more than two hundred fifty (250) people gather in a public park and/or on a public street and/or on other public rights of way owned by or located in the City of Atlanta; or is reasonably expected to have more than five hundred (500) people gather on privately-owned property; and
 - (4) Includes entertainment, amusement rides, dancing, music, dramatic productions, art exhibitions, other exhibits or displays, parades, road races, the sale of merchandise, the sale of food and/or alcohol, or any combination of the foregoing; and
 - (5) Requires the erection of stages, barricades, utility poles, booths, tents, or other temporary structures, or the use of parked vehicles or of permanent structures, or any combination of the foregoing; and
 - (6) By necessity, as determined by the Chief of Staff, requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the City routinely provides under ordinary everyday circumstances; and
 - (7) Is not an Outdoor Event where the entire duration of the Outdoor Event involves organized movement from one location to another, such as a parade, including preparation for or clean up of the same, unless the moving Outdoor Event is contained completely within a City park and does not require the blocking off of any part of the park.
 - (A) Where an Outdoor Event meets the definition of Outdoor Festival, and includes a discreet component whereby there is organized group movement from one location to another at least in part on Public Property, for example a parade, the moving component only shall be treated as an

Assembly, as described in Article VI of this Chapter the Applicant must receive an Assembly Permit for the moving component of the Outdoor Event if:

- i) the moving component occurs, at least in part, in a park, on public streets, sidewalks, other public rights of way, or other non-park Public Property; and
- ii) the moving component requires closure of all or part of a park, a public street, sidewalk, other public right of way, and/or other non-park Public Property for public safety purposes, as determined by the Department of Parks and/or Police.

In addition, the Applicant must receive an Outdoor Festival Permit for the non-moving component of the Outdoor Event.

(B) Where an Outdoor Festival requires an Assembly Permit for a moving component of the Outdoor Festival, the Applicant shall submit its Assembly Application to the SEM at the same time it submits its Outdoor Festival Application.

(C) Where an Outdoor Event meets the definition of Outdoor Festival, except that it involves movement from one location to another, and said movement is not a discreet component of the Outdoor Event but rather the sole or primary focus of the Outdoor Event, the entire Outdoor Event shall be deemed an Assembly, not an Outdoor Festival.

- (i) **Site Plan** shall mean a map showing in detail the layout of the Outdoor Festival area, showing the Festival Production Area in detail, and specifying the boundaries of the overall Festival Gathering Area. The site plan shall also include the location of portable toilets to be provided, and show the number of such toilets at each location, the location of tents and all other temporary structures, first aid stations, EMS mobile personnel, ambulances, public water sources, vendors, activity areas, staging areas, stages, trash receptacles, fencing (if applicable), entry and exit points if the Outdoor Festival is gated, and any other items requested by the SEM.

Section 142-52. Overview of Outdoor Festival Requirements.

- (a) The Outdoor Festivals Ordinance applies to Outdoor Events occurring on public and/or Private Property.
- (b) Any person, organization, corporation or other group wishing to have an Outdoor Festival must obtain an Outdoor Festival Permit. The procedure for obtaining an Outdoor Festival Permit is set forth in subsection (d) below.
- (c) To obtain an Outdoor Festival Permit, the Applicant shall submit all required documents and fees to the SEM, including but not limited to an Outdoor Festival Application and any necessary Sub-Permit Applications, an Internal Security Plan (see section 142-55 below), a Site Plan, and a Certification (see section 142-56 below). The only application that shall not be filed with the SEM is an application for the Applicant to receive a City-issued liquor license, as set forth in section 142-32 above.
 - (1) The Outdoor Festival Application must be accompanied by a non-refundable Application Fee, the amount of which is set forth in section 142-60(a) below.
 - (2) The Outdoor Festival Application must be filed at least ninety days prior to the beginning of the Outdoor Festival.
 - (3) The Applicant must meet all requirements set forth in articles I through IV of this chapter, including but not limited to submitting Sub-permit Applications and fees where necessary.
 - (4) Where the Outdoor Festival is scheduled to last for greater than one calendar week, the Applicant must obtain a new Outdoor Festival Permit for each new calendar week.
 - (A) The Outdoor Festival classification for each of the Outdoor Festival Permits, as described in section 142-59 below, shall be determined based upon the total number of people anticipated to attend the Outdoor Festival over the entire duration of the week for which the Permit is being issued. An Outdoor Festival Fee shall be paid for each Permit.
 - (B) The Applicant must submit to the City only one Outdoor Festival Application and only one Application Fee, regardless of the number of weeks over which the Outdoor Festival occurs.

- (d) Outdoor Festival Permits include the right to vend, and the Applicant need not obtain a separate vending Permit. This right to vend does not preclude authorized vendors from vending at their authorized locations during the Outdoor Festival.

Section 142-53. Festival Districts.

- (a) Festival districts are hereby established as shown on the map included at the end of this Chapter, which delineates the boundaries of such districts. The map showing such boundaries shall be available at all times from the SEM for review by Applicants and the general public.
- (b) The purpose of such festival districts shall be to establish the policy of the City with regard to the allocation of its resources and with regard to the burdens placed upon the different neighborhoods and areas of the City. The City, in determining the location and boundaries of such districts, shall include in each such district one or more Outdoor Festival sites, such as parks. The City shall also consider the location and boundaries of police zones, where appropriate.
- (c) No more than one Class A or Class B Outdoor Festival shall be permitted to occur in the same festival district at the same time, nor within 100 yards of another Outdoor Festival of a Class A or Class B size, if outside the same district.
- (d) The Chief of Staff, after consultation with the SEM, the Commissioner of the Department of Parks, Recreation and Cultural Affairs, and the Chief of Police, or their designees, may designate certain festival districts as having special limitations, such as a limitation on the frequency of permitted Outdoor Festivals within a particular district or within a particular park or special event site, if in the opinion of the Chief of Staff there are special considerations warranting such limitations, such as traffic, public safety, or limitations contained in any master plan adopted by the City Council for such venue or district. Any such limitations, to be effective, must be noted in writing by the Chief of Staff on the face of the festival district maps provided for in subsection (a) above, and shall be separately signed and dated by the Chief of Staff.

Section 142-54. Festival Monitors.

- (a) The City shall hire Festival Monitors to staff Class A, B, and C Outdoor Festivals, and may hire Festival Monitors to staff other Outdoor Festivals if the Chief of Staff or her/his designee deems there is appropriate reason to do so. Festival Monitors shall be assigned to

each of these permitted Outdoor Festivals by the SEM. Wherever possible, Festival Monitors will be assigned to the same festival district for consistency. At all times and for each shift when an Outdoor Festival is being staffed by Festival Monitors, the SEM shall designate one of the Festival Monitors as the senior monitor. The Host shall provide the senior monitor with a phone number at which the Host or her/his designee can be reached at all times throughout the Outdoor Festival, including without limitation set-up and take-down of the Outdoor Festival.

- (b) It shall be the Festival Monitors' responsibility, in coordination with the SEM, to monitor the activities of the Host and those working with the Host on the Outdoor Festival site, in order to insure that the terms and conditions of the Outdoor Festival Permit are observed, except that where the Outdoor Festival is located in a park, the Office of Parks shall be responsible for monitoring the set-up and take-down of the Outdoor Festival. In the event of a material violation of the Outdoor Festival Permit or of this Chapter, or of an applicable law, whereby the Festival Monitor reasonably believes that the violation constitutes a threat to public safety or to the public welfare, the Festival Monitor is authorized to report the violation to the appropriate public safety, law enforcement or appropriate department personnel for immediate action. In the event of other material violations, the Festival Monitor shall make a written report of such violation and shall submit such report to the senior monitor as quickly as possible. The senior monitor shall: 1) inform the Host verbally of the need to remedy the violation immediately; 2) provide the Host with a copy of the Festival Monitor's written report; and 3) submit a copy of the written report to the SEM for consideration in future Applications by the Outdoor Festival's Applicant or Host. However, notwithstanding the requirement of making such written reports and following the protocol above, the each Festival Monitor shall be authorized to require the Host to cease and desist the action or behavior that is in violation of the Outdoor Festival Permit, of this Chapter, or of any applicable law.
- (c) A Festival Monitor trust fund shall be established and maintained such that after receiving of an Outdoor Festival Permit Fee, the trust fund shall accept a portion of such Fees to accomplish the purposes set forth in this Section. The Festival Monitor trust fund may also be utilized to pay the costs of assigning one City of Atlanta fire rescue emergency medical technician and one City of Atlanta fire marshal or fire inspector to an Outdoor Event, as set forth in Section 142-21(f) of this Chapter. The trust fund shall be managed by the Chief of Staff or her/his designee.

Section 142-55. Internal Security Plan.

- (a) All Applicants for an Outdoor Festival must submit an Internal Security Plan that is approved by the Chief of Police or her/his designee prior to being issued an Outdoor Festival Permit.
- (b) For Class A, B, and C Outdoor Festivals, the Applicant must have at least one security officer for every one thousand five hundred (1,500) anticipated attendees at any given time. These officers must all be off-duty law enforcement officers. The Chief of Police or her/his designee shall have the authority to require more off-duty law enforcement officers per anticipated attendees, as long as such determination is made pursuant to the criteria set forth in subsection 142-55 (g) below.
- (c) The Applicant may use private security guards or "t-shirt" security in the Festival Production Area in addition to, but not in lieu of, the number of off-duty law enforcement officers required by the Chief of Police or her/his designee.
- (d) The Internal Security Plan must show that all off-duty law enforcement officers utilized by the Applicant have jurisdictional authority to enforce City ordinances and state law. In addition, the Internal Security Plan must show that all off-duty law enforcement officers to be used for internal security are POST-certified. In the event that the Applicant can document her/his attempts and inability to retain the required number of POST-certified personnel, the Chief of Police or her/his designee shall permit the Applicant to utilize private security personnel, but only to the extent that the Applicant can not obtain POST-certified off-duty law enforcement officers.
- (e) The Internal Security Plan must show that all private security personnel contracted for by the Applicant, if any, are licensed by the State of Georgia Board of Private Detective and Security Agencies, and are employed by companies licensed by the State of Georgia Board of Private Detective and Security Agencies.
- (f) No active Atlanta Police Officer may author an Internal Security Plan for an Outdoor Festival unless that Officer is the Applicant for such Outdoor Festival. S/he may, however, advise an Applicant on security issues, including without limitation the Internal Security Plan. The Internal Security Plan must list all persons who participated in creating the Internal Security Plan, including without limitation all Atlanta Police Officers who gave advice regarding or participated in developing the plan. No Officer who gave advice regarding or participated in developing the Internal Security Plan may have any role in determining whether the Internal Security Plan should be approved.

- (g) Upon receiving the Internal Security Plan, the SEM shall forward the plan to the Atlanta Police Department. The Chief of Police or her/his designee shall be responsible for determining whether to approve or deny the Internal Security Plan. In determining the adequacy and appropriateness of any Internal Security Plan, the Chief of Police or her/his designee shall be guided solely by considerations of the number and qualifications of off-duty law enforcement officers necessary to provide internal security to the Festival Gathering Area, as indicated by experience with similar events. To this end, the Police Chief or her/his designee may consider the advice and counsel of public safety professionals and persons with expertise in handling or promoting similar events. Consideration of similar events shall include, without limitation, consideration of the location, the time of day or night, the sale or non-sale of alcohol, the number of locations of alcohol sale/distribution if any, the number of street closings if any, the internal security needs of similar events, and the internal security needs of other Outdoor Events sponsored by the Host. This consideration shall not include the message of the proposed Outdoor Festival, the content of any speech, the identity or associational relationships of the Applicant and/or Host, nor any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of the speech or message conveyed by the proposed Outdoor Festival. The Police Chief or her/his designee shall forward the decision regarding the Internal Security Plan to the Chief of Staff within twenty business days of receiving a copy of the plan. The Chief of Staff shall not issue an Outdoor Festival Permit until s/he receives written approval of the Internal Security Plan from the Police Chief or her/his designee.

Section 142-56. Certification.

A copy of the Certification, without the attachments, shall be submitted to the SEM with the Outdoor Festival Application. If the notices are delivered by hand, a receipt must be obtained from the recipient. The Applicant should retain these receipts and/or the registered mail receipts and be prepared to produce them to the SEM upon demand. The Applicant may notify the Council President and the affected District Council Member by email provided all such emails are copied to the SEM.

Section 142-57. Review of Application.

Upon receipt of the completed Outdoor Festival Application and Application fee required in section 142-60(a) below, the SEM shall forward copies of the Application to the Departments of Police, Fire and Rescue, Public Works, Parks, Recreation and Cultural Affairs, Planning and Community Development, the downtown ambassadors, and any impacted Conservancies who have current unexpired agreements with the City in those cases where the festival is in a park, for their review. A Copy shall also be forwarded to the council member representing the district in which the Outdoor Festival is proposed to be held, and to the Council

President. The persons designated in each such department for such review shall review the Application, endorse their comments thereon, including the number of extra personnel hours estimated to be required for each department, and return the comments to the SEM within five business days from receipt. The SEM shall retain the forwarded comments in the Application's file. In addition, within five business days of receipt of the Application, the SEM shall arrange to have consideration of the Application placed on the appropriate NPU agenda as expeditiously as possible. At said NPU meeting, the Applicant shall present information about the Outdoor Festival to the NPU. The Applicant must receive a recommendation from the NPU regarding the approval of the Outdoor Festival Permit, and the SEM shall retain the recommendation and any related comments from the NPU in the Application's file.

Section 142-58. Considerations Regarding Approval or Denial of an Outdoor Festival Permit.

The Chief of Staff and any other City Representative evaluating an Outdoor Festival Application, shall be guided by the factors set forth in Section 142-12 above in determining whether to approve an Outdoor Festival Permit, whether to approve the time, manner and place requested, whether to deny the Permit as requested and propose a modified time, manner and place, or whether to deny the Permit altogether. In addition, The Chief of Staff shall consider the following criterion:

- (a) No Outdoor Festival Application shall be submitted to the SEM earlier than sixty days after the conclusion of an Outdoor Event that is the same as or substantially similar to the Outdoor Festival described in the new Application. Any Application in violation of this provision shall be denied.

Section 142-59. Outdoor Festival Classification.

Each Outdoor Festival shall be categorized as a Class A, Class B, Class C, Class D, or Class E Outdoor Festival. In addition, each Outdoor Festival shall be categorized as Commercial or Non-Commercial.

- (a) For classification purposes, the Chief of Staff shall evaluate the Application by the anticipated number of persons attending the Outdoor Festival over the entire period of the Outdoor Festival. In estimating this number, no regard shall be given to any estimate of the number of persons who may be anticipated to be in the vicinity of the Outdoor Festival as counter-demonstrators or to show hostility to any message the Outdoor Festival may be perceived as having. Nor shall there be any consideration of any of the factors set forth in Section 142-12(b) above. Unless such estimate shall appear to have been made in palpable bad faith or otherwise grossly in error, the Chief of Staff shall be guided by the estimate provided by the Applicant. If the Chief of Staff determines not to adopt the estimate

given by the Applicant, s/he shall state the reasons in writing on the Permit. The definition of each class of Outdoor Festival is as follows:

- (1) Class A Outdoor Festival. An Outdoor Festival at which the attendance is anticipated to be 50,000 persons or more over the entire period of the Outdoor Festival.
 - (2) Class B Outdoor Festival. An Outdoor Festival at which the attendance is anticipated to be between 20,000 and 49,999 persons over the entire period of the Outdoor Festival.
 - (3) Class C Outdoor Festival. An Outdoor Festival at which the attendance is anticipated to be between 10,000 and 19,999 persons over the entire period of the Outdoor Festival.
 - (4) Class D Outdoor Festival. An Outdoor Festival at which the attendance is anticipated to be between 2,000 and 9,999 persons over the entire period of the Outdoor Festival.
 - (5) Class E Outdoor Festival. An Outdoor Festival on Public Property at which the attendance is anticipated to be between 250 and 1,999 persons over the entire period of the Outdoor Festival, or an Outdoor Festival on Private Property at which the attendance is anticipated to be between 500 and 1,999 persons over the entire period of the Outdoor Festival. In addition, where an Outdoor Event is anticipated to have fewer than 250 attendees on Public Property, or fewer than 500 attendees on Private Property, but otherwise meets the definition of Outdoor Festival, and where the Outdoor Event provides activities that are open to the public, for example entertainment or vending, such that the number of participants may thereby increase, the Outdoor Event may be considered a Class E Outdoor Festival.
- (b) For the purpose of determining whether an Outdoor Festival is Commercial or Non-Commercial, the Chief of Staff shall consider materials offered by the Applicant. Should the Applicant choose not to provide or be unable to provide documentation of its Non-Commercial status, the Outdoor Festival shall be assumed to be Commercial. The Non-Commercial status of an Outdoor Festival shall be determined by:
- (1) The existence of a determination letter from the Internal Revenue Service identifying the Applicant as an entity recognized as one described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (or as amended); or

- (2) The review of tax returns filed by the Applicant as it relates to the Outdoor Festival, showing that the proceeds of the Applicant are expended exclusively in support of charitable, educational, religious, scientific or literary purposes, or for civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare; or
- (3) The prior history of the Outdoor Festival over at least the past three years evidencing that the Outdoor Festival has consistently been Non-Commercial, as evidenced by past Applications, conduct, previous related Outdoor Events, and/or appropriate documentation.

Section 142-60. Fees.

The Application and Permit Fees for Outdoor Festivals shall be determined as set forth below. Nothing contained in this section shall authorize the Chief of Staff to determine and/or assess fees for an Outdoor Festival Application or Permit based on any of the criteria set forth in Section 142-12(b) above. The fees to be charged for an Outdoor Festival Application and Permit shall be used strictly to reimburse the City for the costs of administration and other City services needed for the Outdoor Festival, and shall not be for the purpose of revenue production.

- (a) Application Fee. Every Outdoor Festival Application shall be accompanied by the appropriate Application Fee. The Application Fee for each Outdoor Festival classification shall be as follows:
 - (1) Commercial Outdoor Festival.
 - Class A Outdoor Festival Application Fee = \$150.00
 - Class B Outdoor Festival Application Fee = \$150.00
 - Class C Outdoor Festival Application Fee = \$100.00
 - Class D Outdoor Festival Application Fee = \$100.00
 - Class E Outdoor Festival Application Fee = \$ 100.00
 - (2) Non-Commercial Outdoor Festival.
 - Class A Outdoor Festival Application Fee = \$ 100.00
 - Class B Outdoor Festival Application Fee = \$ 100.00
 - Class C Outdoor Festival Application Fee = \$ 50.00
 - Class D Outdoor Festival Application Fee = \$ 50.00
 - Class E Outdoor Festival Application Fee = \$ 50.00
- (b) Permit Fee. After the Chief of Staff approves the issuance of an Outdoor Festival Permit, the Applicant may obtain such Permit by agreeing to accept the classification and conditions imposed in accordance with this Article and by paying the applicable Outdoor

Festival Permit Fee, which fee shall be determined according to the following schedule:

(1) Commercial Outdoor Festival.

Class A Outdoor Festival Permit Fee = \$ 15,000.00

Class B Outdoor Festival Permit Fee = \$ 8,000.00

Class C Outdoor Festival Permit Fee = \$ 5,000.00

Class D Outdoor Festival Permit Fee = \$ 2,500.00

Class E Outdoor Festival Permit Fee = \$ 500.00

(2) Non-Commercial Outdoor Festival.

Class A Outdoor Festival Permit Fee = \$ 9,000.00

Class B Outdoor Festival Permit Fee = \$ 3,000.00

Class C Outdoor Festival Permit Fee = \$ 1,500.00

Class D Outdoor Festival Permit Fee = \$ 750.00

Class E Outdoor Festival Permit Fee = \$ 250.00

- (c) Refunds. The Chief of Staff determines the category of Outdoor Festival based upon the anticipated number of attendees, as described in section 142-59 (a) of this Chapter. The City shall not provide any refund of any portion of the Outdoor Festival Application Fee and/or Permit Fee in the event that the actual number of attendees is fewer than the anticipated number of attendees.

Section 142-61. Acceptance of Outdoor Festival Permit.

The Chief of Staff or her/his designee shall notify the Applicant upon approval of the Outdoor Festival Permit. The Outdoor Festival Permit shall not be issued, and the Applicant may not obtain the Permit unless the Applicant fulfills the conditions imposed by this chapter, including but not limited to the following:

- (a) Payment of the applicable Permit Fee and any other fees required pursuant to this chapter.
- (b) Proof of insurance.
- (1) Prior to the issuance of a Permit for any Class A, Class B, or Class C Outdoor Festival, the Applicant must provide the SEM with a certificate of insurance evidencing a fully paid public liability damage insurance policy procured from a company licensed to do business in Georgia. This policy must protect the City of Atlanta, its officers, agents, the Outdoor Festival and its contractors from any and all claims, damages to property, and or bodily injury which may result from or in connection with any of the operations carried on by the Host, and must list the

City of Atlanta as an additional named insured. Insurance limit requirements are as follows:

- (A) \$1,000,000.00 bodily injury total;
- (B) \$500,000.00 bodily injury to any one person; and
- (C) \$100,000.00 property damage.

- (2) The SEM shall forward the certificate of insurance to the City's Bureau of Risk Management within three business days of receiving the certificate. The Bureau of Risk Management shall review the certificate and provide written feedback to the Chief of Staff regarding the insurance coverage within ten business days of the Bureau's receipt of the certificate. The Outdoor Festival Permit shall not be issued until the Bureau of Risk Management provides the Chief of Staff with written approval of the Outdoor Festival insurance coverage.

(c) Indemnification Agreement.

Prior to the issuance of an Outdoor Festival Permit, the Applicant must sign a statement agreeing to indemnify, defend, and hold harmless the City of Atlanta and its officers, agents and employees from any and all suits, claims, actions, liabilities of every kind, and damages to persons or property on claims that arise from the permitted event, unless the suit, claim, action, liability, or damages are caused by the negligence or intentional misconduct of the City, its officers, agents, or employees, or unless the Applicant is prohibited by law from executing indemnification agreements.

Section 142-62. Notice of Outdoor Festival.

Immediately upon the issuance of a Class A, B, or C Outdoor Festival Permit by the Chief of Staff, the SEM shall send a copy of the Permit to the following:

- (a) The Mayor;
- (b) The Council President
- (c) The Council Member of the affected district
- (d) The City Attorney;
- (e) The Police Chief;
- (f) The Fire and Rescue Chief;
- (g) The Commissioner of the Department of Parks, Recreation and Cultural Affairs;
- (h) The Commissioner of the Department of Public Works;
- (i) The Director of the Office of Solid Waste Services; and

- (j) The Commissioner of the Department of Planning and Community Development.

Section 142-63. Prohibited Conduct during Outdoor Festivals.

Prohibited conduct for Outdoor Festivals that occur in City parks is set forth in Atlanta Code of Ordinances section 110-76. For all Outdoor Festivals not occurring in City parks, it shall be unlawful for any person to do any of the following acts, or to permit a minor child in her/his custody to do any of the following acts in the Festival Production Area:

- (a) Ride, drive or operate bicycles, motorcycles, mopeds or any other motor vehicles, or ride skateboards or skates. These items may be carried into or through the Festival Production Area. This provision shall not apply to emergency medical personnel, nor to officials or employees of the City of Atlanta acting in their official capacity, nor to vendors restocking their merchandise, nor to vendors providing sanitation services for the Outdoor Festival. In addition, this provision shall not apply to Outdoor Festival workers.
- (b) Bring in, carry, or in any way possess, play or operate any radio, musical instrument or similar device which is producing or reproducing sound in such a manner as to be plainly audible to other persons in the Festival Production Area, other than the operator of the device. This provision shall not apply to persons performing in the Outdoor Festival. All radios and musical devices with earphones are permitted.
- (c) Engage in outdoor cooking in any area except an area designated for grilling by the Atlanta Fire and Rescue Department. This provision shall not apply to authorized Outdoor Festival vendors.
- (d) Be in possession of any alcoholic beverage at an Outdoor Festival located on Public Property, unless the alcoholic beverage was purchased or otherwise obtained from an authorized vendor of the Outdoor Festival.
- (e) Pets are prohibited during Class A, B, and C Outdoor Festivals. Pets are permitted during Class D and Class E Outdoor Festivals. The pet prohibition set forth in this provision shall not apply to those animals where the animal's owner can demonstrate that the animal is part of a performance, exhibit, or other activity conducted as part of the Outdoor Festival. Nor shall said prohibition apply to any guide dog especially trained for the purpose of accompanying a totally or partially blind person or a deaf person, or a service dog especially trained for the purpose of accompanying a physically disabled person. Lastly, said prohibition shall not apply to any dog trained and licensed

by and in the possession of the Atlanta Police Department or any other law enforcement agency, or a horse utilized by the City's mounted police patrol.

Section 142-64 through 142-79. Reserved.

ARTICLE VI. Assemblies

Section 142-80. Title.

This Article shall be known as the Assembly Ordinance, which is a subsection of the Outdoor Events Ordinance. All of the definitions, requirements and other provisions set forth in article I through article V of this chapter shall apply to the Assembly Ordinance.

Section 142-81. Definition of Assembly.

In addition to the words, terms and phrases set forth in sections 142-2 and 142-51 above, the term "Assembly" shall have the meaning ascribed to it below, except where the context clearly indicates a different meaning:

- (a) "Assembly" means any Outdoor Event, regardless of the number of participants, which meets the following definition:
 - (1) Any demonstration, rally, protest, march, parade, motorcade, gathering, promenade, show, exhibition, procession of any kind, or similar display, consisting of persons, animals or vehicles, or a combination thereof, having a common purpose, design, destination or goal, upon any street, sidewalk, park or other public right of way in the City, which does not fit into the exclusions set forth in subsection (2) below, and which requires the temporary closing or obstruction of all or a portion of any City park, street, sidewalk, or other public right of way.
 - (2) The following events or occurrences shall not be deemed to be an Assembly:
 - (A) Funeral processions;
 - (B) Students going to and from school classes or participating in education classes, provided this conduct is under the immediate direction and supervision of the proper school authorities; or
 - (C) A governmental agency acting within the scope of its agency.

- (b) Where an Outdoor Festival or Large Gathering has a discreet component that involves organized group movement from one location to another and meets the definition above of Assembly, the moving component alone shall be considered an Assembly. The Applicant must receive an Outdoor Festival Permit or Large Gathering Permit, as appropriate, for the non-moving component of the Outdoor Event, and an Assembly Permit for the moving component of the Outdoor Event.
- (c) Where an Outdoor Event meets the definition of Outdoor Festival, except that it involves movement from one location to another, and said movement is not a discreet component of the Outdoor Event but rather the sole or primary focus of the Outdoor Event, the entire Outdoor Event shall be deemed an Assembly, not an Outdoor Festival.
- (d) Where an Outdoor Event meets the definition of Outdoor Festival or Large Gathering, but has one non-moving segment of the Outdoor Event that requires the temporary closing or obstruction of all or a portion of any City park, street, sidewalk, or other public right of way, (e.g. an Outdoor Festival on Private Property is so large that it also requires the closure of part of a street) the Host must obtain an Assembly Permit for the closure in addition to the other Outdoor Event Permit.

Section 142-82. Overview of Assembly Requirements.

- (a) The Assembly Ordinance applies to Outdoor Events occurring on Public Property.
- (b) Any person, organization, corporation or other group wishing to have an Assembly must obtain an Assembly Permit. No person shall engage in, participate in, aid, form or start any Assembly, unless an Assembly Permit has been obtained from the City.
- (c) The procedure for obtaining an Assembly Permit is as follows:
 - (1) Unless the Assembly is part of an Outdoor Festival, the Applicant shall submit all required documents and Fees to the SEM no fewer than thirty days prior to the Assembly, including but not limited to an Assembly Application, any necessary Sub-Permit Applications, and a map showing in detail the route to be traveled and the portions of streets, sidewalks and/or parks to be closed.
 - (A) In the event that a Sub-Permit Application has a deadline greater than thirty days, the Applicant shall abide by the requirements of the Sub-Permit, as set forth in Article IV above.

- (B) Where the Assembly is a discreet portion of an Outdoor Festival, the Assembly Application must be filed simultaneously with the Outdoor Festival Application.
- (C) There shall be no exceptions to the time deadlines set forth above, even if the Assembly is connected with an identifiable event or decision, the date of which cannot be predicted with certainty.
- (2) The Assembly Application must be accompanied by a non-refundable \$50.00 Application Fee and a \$100 refundable sanitation bond, as described in section 142-22(f)(4).
- (3) The Applicant must meet all other requirements set forth in sections I through V of this Chapter.
- (d) Assembly Permits include the right to vend, and the Applicant need not obtain a separate vending Permit.

Section 142-83. Additional Considerations Regarding Approval of Assembly Permit.

In addition to the Permit approval considerations set forth in section 142-12 above, the Chief of Staff may grant an Assembly Permit for public safety reasons, authorizing the closure of streets, sidewalks, and/or parks, or portions thereof, to accommodate an Outdoor Event. The Assembly Permit shall be granted at the discretion of the Chief of Staff, but only after s/he receives written approval from the Chief of Police, the Fire Chief, and the Commissioner of Public Works and/or of Parks, Recreation and Cultural Affairs as may be appropriate. In considering whether to grant the Assembly Permit, the Chief of Staff, the Police and Fire Chiefs, and the Commissioners mentioned above shall evaluate the public safety, traffic, and sanitation effects of such closing, and shall require that reasonable steps be taken, where possible, to minimize the adverse effect such closings may have upon the public.

Section 142-84. Contents of Assembly Permit.

In addition to those items set forth in Section 142-13 above, if the Assembly Permit is granted, the Permit must include, at a minimum:

- (a) The location by streets and/or parks of any assembling areas for the Assembly;
- (b) The time at which units of the Assembly will begin to assemble at the assembling area or areas, and the approximate conclusion time of the Assembly;

- (c) The maximum interval of space to be maintained between units of the Assembly;
- (d) Minimum speed;
- (e) Maximum speed;
- (f) The maximum length of the Assembly in miles or fractions thereof;
- (g) The route to be traveled, including the starting point and the termination point;
- (h) The portions of the streets to be traversed that may be occupied by the Assembly; and
- (i) An attached map illustrating the exact route to be utilized by the Assembly.

Section 142-85. Street Closure and Notice.

- (a) In the event that the Chief of Staff grants an Assembly Permit, s/he shall be authorized to direct the Police Chief in writing to close streets to accommodate the Assembly. This written direction shall be sent to the Police Chief by the SEM along with the copy of the Assembly Permit, as described in subsection (b) below.
- (b) Within one business day of the issuance of an Assembly Permit by the Chief of Staff, the SEM shall send a copy of the Permit to the following:
 - (1) The Mayor;
 - (2) The City Attorney;
 - (3) The Police Chief;
 - (4) The Fire Chief;
 - (5) The Commissioner of the Department of Parks, Recreation and Cultural Affairs;
 - (6) The Commissioner of the Department of Public Works;
 - (7) The general manager or responsible head of each public transportation utility;
 - (8) Commissioner of the Department of Planning and Community Development.

Section 142-86. Prohibited Conduct During Assemblies.

- (a) No person shall unreasonably hamper, obstruct, impede or interfere with any Assembly, or with any person vehicle or animal participating in or used in an Assembly.
- (b) No driver of a vehicle shall drive between the vehicles or persons comprising an Assembly when the vehicles or persons are in motion and are conspicuously designated as an Assembly, unless specifically authorized to do so by Atlanta Police Department Personnel.

- (c) The Police Chief shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles at or near the location where an Assembly is being conducted, and/or along the route of an Assembly. The Police Chief shall post 'no parking' signs in the designated locations, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street where 'no parking' signs are not posted.
- (d) It shall be unlawful for any person at any Assembly to carry or possess any weapon, as defined below. For purposes of this article, and notwithstanding any other provisions of this Code, "weapon" means any pistol, rifle, shotgun or other firearm of any kind, whether loaded or unloaded, air rifle, air pistol, paintball gun, paintball rifle, explosive, blasting cap(s), knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, ax handle, chains, crowbar, hammer, or any club, bludgeon or any other instrumentality used, or intended to be used, as a dangerous weapon.
- (e) It shall be unlawful for any person to carry or possess at any Assembly, any sign, poster, plaque or notice unless such sign, poster plaque, or notice is constructed solely of a cloth, vinyl, paper or flexible cardboard material no greater than one-quarter (1/4) inch in thickness.
- (f) It shall be unlawful for any person to carry or possess at any Assembly, any length of lumber, wood or wood lath unless it is one-fourth (1/4) inch or less in thickness and two inches or less in width or if not generally rectangular in shape, such object shall not exceed three-quarters (3/4) inch in its thickest dimension. Both ends of the length of lumber, wood or wood lath shall be blunt and shall not be pointed. Exceptions from this section include (1) lumber or wood used to support or control puppets, so long as the lumber or wood is not detached from the puppets; and (2) stilts, defined as two poles with footrests off the ground on which someone balances or walks, so long as each stilt does not exceed fifteen (15) feet in length and two (2) inches by two (2) inches in width.
- (g) It shall be unlawful for any person to carry or possess at any Assembly, any length of metal, or other similar hard or stiff material, whether solid or hollow, unless the person is carrying a flagpole and is a participant in a portion of the Assembly that utilizes flags.
- (h) It shall be unlawful for any person to carry or possess at any Assembly any length of plastic, except that hollow plastic may be used to support a sign, banner, placard or other similar display if: (1) the hollow plastic does not exceed three-quarter (3/4) inch in its thickest dimension (2) the hollow plastic does not exceed one-eighth (1/8) inch in wall thickness; (3) the hollow plastic is not filled with any material, liquid, gas or solid; and

- (4) both ends of the length of the hollow plastic shall be blunt, and not pointed.
- (i) It shall be unlawful for any person to carry or possess at any Assembly, glass bottles, glass jars or glass containers of any kind, unless such glass container is a vial required to hold medication needed and utilized by an Assembly participant, where such medication is customarily stored in a glass vial.
 - (j) It shall be unlawful for any person to carry or possess at any Assembly, balloons filled with any material or substance other than air, oxygen or helium. Such materials and substances include, but are not limited to, water, paint, or any other liquid, solid or gas.
 - (k) It shall be unlawful for any person to carry or possess at any Assembly, bricks, stones, rocks, or pieces of asphalt or concrete. It shall be unlawful for any person to throw similarly hard and heavy materials during an Assembly.
 - (l) It shall be unlawful for any person to carry or possess spray paint cans at any Assembly.
 - (m) It shall be unlawful for any person to carry or possess at any Assembly, any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, including, but not limited to, so-called Supersoaker-type water guns and water cannons. Nothing in this subsection is intended to prohibit or restrict those participating in parades, demonstrations, rallies or assemblies from possessing sufficient amounts of water or other liquids designed and intended for human consumption during such events.
 - (n) It shall be unlawful for any person to carry or possess at any Assembly, any so-called "Sleeping Dragon Device", with the intent or ability to use the device to deny or obstruct the public's ability to freely move about on roadways, sidewalks, or into or out of buildings. For purposes of this subsection, a Sleeping Dragon Device shall mean a section of pipe, or a container, filled with weighted material, handcuffs, chains, carabiners or other locking devices used to lock a person or persons or other objects.
 - (o) Nothing in this section shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in an Assembly.
 - (p) Nothing in this section is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other

federal, state or local law or regulation. The purpose of this section is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause physical or property damage, and whose possession might not otherwise be prohibited by federal, state or local law.

- (q) Nothing in this section shall prohibit duly authorized law enforcement officers acting in their official capacity from carrying or possessing materials, weapons and/or devices used in the performance of law enforcement duties.

Section 142-87 through 142-99. Reserved.

ARTICLE VII. Outdoor Events on Public Property

Section 142-100. Scope.

This Article shall apply to all Outdoor Events occurring, at least in part, on Public Property, excluding Outdoor Festivals and Assemblies, which are set forth in articles V and VI above.

Section 142-101. Fewer than Seventy-Five Attendees.

- (a) An Outdoor Event occurring on Public Property, with an expected attendance of fewer than 75 people, and that is not an Assembly, does not require an Outdoor Event Permit, and no Outdoor Event Application need be filed.
- (b) Where such Outdoor Event includes an activity that requires a Sub-Permit, as set forth in article IV above, the Applicant must file a Sub-Permit Application with the SEM and be issued a Sub-Permit prior to performing said activity.

Section 142-102. Park Facility Reservation Permits- Any Number of Attendees.

- (a) An Outdoor Event with one person or greater that requires the use of a park outdoor facility, such as a park pavilion, , shall file a Facility Reservation Application with the SEM or with the Office of Parks. This section 142-102 shall not apply to sports facilities located on City property that are being used for their intended purpose, as reasonably determined by the Commissioner for the Department of Parks, Recreation, and Cultural Affairs, as set forth in section 142-3(f) of this Chapter.

- (b) Decisions of whether to grant a Park Facility Reservation Permit shall be made by the Office of Parks. Where a Facility Reservation Application is accepted by the SEM, the SEM shall forward the Application within one business day to the Office of Parks for processing and Permit issuance if appropriate. After a Facility Reservation Application has been processed by the Office of Parks, the Bureau, within one business day, shall forward the processed Application and Permit, if any, to the SEM for informational and calendaring purposes, and the SEM shall maintain the file on such Outdoor Event.
- (c) The Department of Parks, Recreation, and Cultural Affairs shall maintain written procedures for obtaining a Park Facility Reservation Permit, and said procedures shall be placed in the Department's Policies and Procedures manual, provided to the SEM, and provided to the public upon request.
- (d) Park Facility Reservation Permits are granted on a first come, first served basis, based upon the time at which an Application is received by the Office of Parks. A Park Facility Reservation Permit may be denied for the reasons set forth in section 142-12 above. Where the Office of Parks receives competing Applications for substantially the same time and place, the Office shall apply the considerations regarding granting of a Permit, as set forth in section 142-12(a), and the other subsections of section 142-12. In addition, the Office shall give priority to Applications from City residents, or Applications on behalf of groups whose primary location is inside the City of Atlanta.
- (e) A Facility Reservation Application may be submitted no more than ninety days and no fewer than fourteen days before a scheduled event.
- (f) There is no Application Fee for a Facility Reservation Application.
- (g) A refundable sanitation bond of \$100.00 may be required to obtain a Park Facility Reservation Permit, as set forth in section 142-22(f)(3) and 110-3(e)(2).
- (h) Facility Reservation Permit Fees are required to be paid, as set forth in section 110-3 of this Code of Ordinances.
- (i) During times when an outdoor park facility is not reserved, members of the public may use the outdoor park facility on a first come, first served basis.

Section 142-103. Large Gathering- More Than Seventy-Five Attendees.

- (a) A Large Gathering is an Outdoor Event on Public Property that lasts for more than one hour, has more than 75 attendees, and does not meet the definition of Outdoor Festival nor Assembly.
- (b) Anyone wishing to hold a Large Gathering must receive a Large Gathering Permit. Except as set forth in subsection (b)(2) below, anyone wishing to obtain a Large Gathering Permit must file an Application with the SEM.
 - (1) Any Application for a Large Gathering to be held on any Public Property other than a park shall be processed by the SEM. The Chief of Staff shall issue the Permit if s/he approves the Application.
 - (2) Any Application for a Large Gathering to be held, at least in part, in a park, shall be filed with the SEM or with the Office of Parks. The Application shall be processed by the Department of Parks, Recreation, and Cultural Affairs' Office of Parks, and the Office shall issue the Permit if the Application is approved. Where a Large Gathering Application is accepted by the SEM, the SEM shall forward the Application to the Office of Parks within one business day for processing and Permit issuance if appropriate. After a Large Gathering Application has been processed by the Office of Parks, the Office shall forward, within one business day, the processed Application and Permit, if any, to the SEM for informational and calendaring purposes, and the SEM shall maintain the file on such Outdoor Event.
- (c) Except as set forth in subsection (1) and (2) below, a Large Gathering Application must be filed at least fourteen days prior to the Outdoor Event so that the City can provide adequate solid waste and security services.
 - (1) If the Large Gathering includes an activity that requires a Sub-Permit, the Applicant must file the Sub-Permit Application with the SEM within the timeframe set forth in Article IV above.
 - (2) If the timing of the Large Gathering is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty, including but not limited to an announcement regarding a military action, an announcement of a court decision, or a death, and if the Large Gathering occurs within forty-eight (48) hours of the identifiable event, the fourteen day requirement for filing the Application shall be waived, as long as the Large Gathering does not interfere with nor impede the flow of

vehicular and/or pedestrian traffic. This waiver shall not apply to Sub-Permit Applications.

- (A) The Host or organizer of such a Large Gathering shall notify the SEM that the Assembly shall be occurring, and shall provide as much information as possible about the Large Gathering, including but not limited to location, date, time, and approximate size, so that the City can attempt to provide adequate services for the Large Gathering.
- (B) The notification described in subsection (2)(A) shall be made by hand delivery, telephone and/or email, and shall be made within two hours of the decision to hold the Large Gathering.
- (d) The Application Fee for a Large Gathering is \$35.00 for City residents and \$50.00 for non-City residents. Where the Large Gathering occurs, at least in part, in a City park, the Application Fee shall be deposited in a trust account to be utilized solely by the Department of Parks, Recreation, and Cultural Affairs to offset the Department's administrative costs associated with Large Gatherings. An Application Fee owed for a Large Gathering that meets the criteria of section 142-103 (c)(2) above may be paid within five business days after the Large Gathering occurs.
- (e) There is no Permit Fee for a Large Gathering Permit, except that, where a Large Gathering includes the reservation of a park facility, a Park Reservation Facility Permit Fee will be applied, as set forth in section 110-3 of the Atlanta Code of Ordinances.
- (f) A Large Gathering Permit does not include the privilege to vend.
- (g) A Permit to hold a Large Gathering in a park does not include the privilege to erect any temporary structure or tent.

Sections 142-104 through 142-109 Reserved.

ARTICLE VIII. Outdoor Events on Private Property.

Section 142-110. Scope.

This article shall apply to all Outdoor Events occurring, at least in part, on Private Property, excluding Outdoor Festivals, which are set forth in article V above. This article addresses the need for Outdoor Event Permits and Sub-Permits only. Nothing in this article shall eliminate the need for compliance with all other applicable laws and City Code requirements, including but not limited to Building Code requirements.

Section 142-111. Fewer than Seventy-Five Attendees.

- (a) An Outdoor Event occurring on Private Property, with an expected attendance of fewer than 75 people, does not require an Outdoor Event Permit, and no Outdoor Event Application need be filed.
- (b) Where such Outdoor Event includes an activity that requires a Sub-Permit, as set forth in Article IV above, the Applicant must file a Sub-Permit Application with the SEM and be issued a Sub-Permit prior to performing said activity.

Section 142-112. Private Outdoor Events at Residence.

- (a) An Outdoor Event occurring on Private Property, at a building that is used as a residence at the time of the Outdoor Event, regardless of the number of attendees, does not require an Outdoor Event Permit, and no Outdoor Event Application need be filed.
- (b) If such Outdoor Event has greater than 75 attendees and occurs at a residential building that is not being used as a residence at the time of the Outdoor Event, and if the Outdoor Event does not qualify as an Outdoor Festival, then the Outdoor Event shall be treated as a Private Large Gathering, as described in Section 142-115 below.
- (c) Where such Outdoor Event includes an activity that requires a Sub-Permit, as set forth in Article IV above, the Applicant must file a Sub-Permit Application with the SEM and be issued a Sub-Permit prior to performing said activity.

Section 142-113. Private Outdoor Events at Churches and Schools.

Where an Outdoor Event occurs on Private Property, at a building that is located in an area zoned as residential, (R1 through R5, or RG1 through RG6), but where the building is not intended to be a residence, (including without limitation, a church, synagogue, mosque, or school):

- (a) Where the property is utilized on a regular basis, but in no case less than a weekly basis, for conducting classes and/or worship services, and where the Outdoor Event has no greater than 500 attendees, no Outdoor Event Permit is required and no Outdoor Event Application need be filed.
- (b) Where the property is utilized on a regular basis, but in no case less than a weekly basis, for conducting classes and/or worship services, and where the Outdoor Event has greater than 500 attendees but does not qualify as

an Outdoor Festival, the Outdoor Event shall be treated as a Private Large Gathering, as described in Section 142-115.

- (c) Where the property is not utilized on a regular basis for conducting classes and/or worship services, and where the Outdoor Event has greater than 75 attendees, the Outdoor Event shall be treated as a Private Large Gathering, as described in Section 142-115.
- (d) Where any of the Outdoor Events described in this section include an activity that requires a Sub-Permit, as set forth in Article IV above, the Applicant must file a Sub-Permit Application with the SEM and be issued a Sub-Permit prior to performing said activity.

Section 142-114. Private Outdoor Events on Commercial Properties.

- (a) An Outdoor Event occurring on a commercial property, where the Outdoor Event does not qualify as an Outdoor Festival, and where the Outdoor Event is in compliance with the zoning of the commercial property, does not require an Outdoor Event Permit, and no Outdoor Event Application need be filed. For purposes of this section Chapter 142-114 only, vacant lots shall not be deemed to be commercial property.
- (b) Where such Outdoor Event includes an activity that requires a Sub-Permit, as set forth in Article IV above, the Applicant must file a Sub-Permit Application with the SEM and be issued a Sub-Permit prior to performing said activity.
- (c) Nothing in this section shall eliminate the need for the holder of an Outdoor Event on commercial property to meet the Building Code requirements for said property.

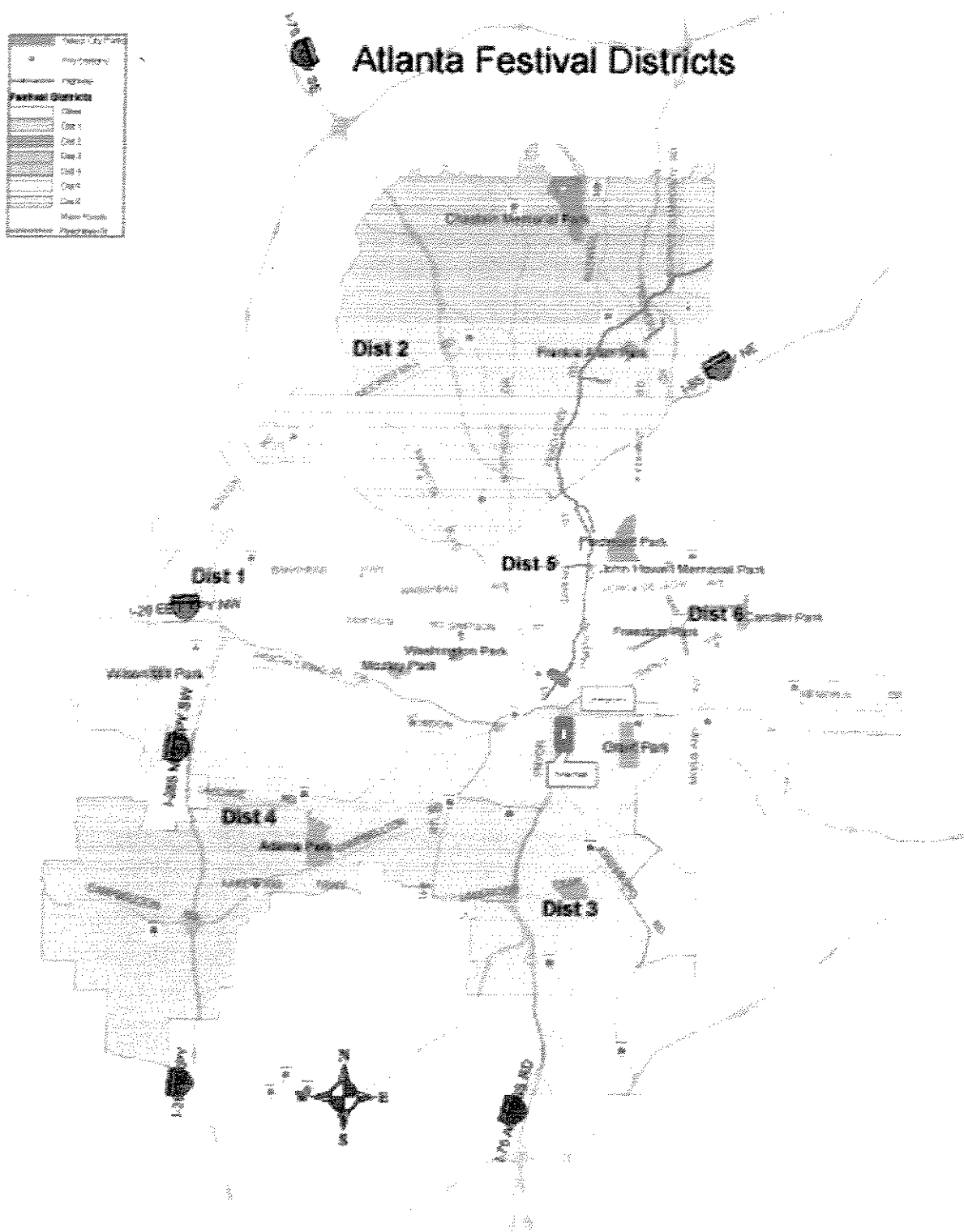
Section 142-115. Private Large Gathering- More Than Seventy-Five Attendees.

- (a) A Private Large Gathering is an Outdoor Event on Private Property that lasts for more than one hour, has more than 75 attendees, does not meet the definition of Outdoor Festival, and does not meet the criteria set forth in section 142-112(a), 142-113(a) or 142-114 above
- (b) Anyone wishing to hold a Private Large Gathering must file a Private Large Gathering Application with the SEM and must receive a Private Large Gathering Permit.
- (c) Except as set forth in subsections (1) and (2) below, a Private Large Gathering Application must be filed at least fourteen days prior to the Outdoor Event.

- (1) If the Private Large Gathering includes an activity that requires a Sub-Permit, the Applicant must file the Sub-Permit Application with the SEM within the timeframe set forth in Article IV above.
- (2) If the timing of the Private Large Gathering is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty, including but not limited to an announcement regarding a military action, an announcement of a court decision, or a death, and if the Assembly occurs within forty-eight (48) hours of the identifiable event, the fourteen day requirement for filing the Application shall be waived, as long as the Private Large Gathering does not interfere with nor impede the flow of vehicular and/or pedestrian traffic. This waiver shall not apply to Sub-Permit Applications.
 - (A) The Host or organizer of such a Private Large Gathering shall notify the SEM that the Private Large Gathering shall be occurring, and shall provide as much information as possible about the Private Large Gathering, including but not limited to location, date, time, and approximate size, so that the City can attempt to provide adequate services for the Private Large Gathering.
 - (B) The notification described in subsection (2)(A) shall be made by telephone and/or email, and shall be made within two hours of the decision to hold the Private Large Gathering.
- (d) There is no Application Fee for a Private Large Gathering.
- (e) There is no Permit Fee for a Private Large Gathering Permit.
- (f) A Private Large Gathering Permit does not include the privilege to vend.

Sections 142-116 through 142-129 Reserved.

The maps of neighborhoods of the City of Atlanta are grouped into 24 planning units. The NPUs are the principal means for facilitating citizen participation in the City's planning process. The City's neighborhoods can be found on the City of Atlanta website at (http://www.atlantaga.gov/residents/neighborhood_npus.aspx)



Outdoor Events Ordinance

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